### OFFICIAL REPORT OF PROCEEDINGS

### BEFORE THE

# U.S. DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

		Docket	No		
n the matter of	CAPE COD NATIONAL SEASHORE ADVISORY COMMITTEE				
	_				
Place Washingt					
Date <u>February</u>	16, 1962				
		Pages	1 - 152	2 incls.	

### MILLER COLUMBIAN REPORTING SERVICE

Official Reporter

931 G STREET, N. W. WASHINGTON 1, D. C.

METROPOLITAN 8-1405



#### AGENDA

#### CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

#### Organization Meeting

Room 5160 Interior Building, Washington D. C.

### February 16, 1962

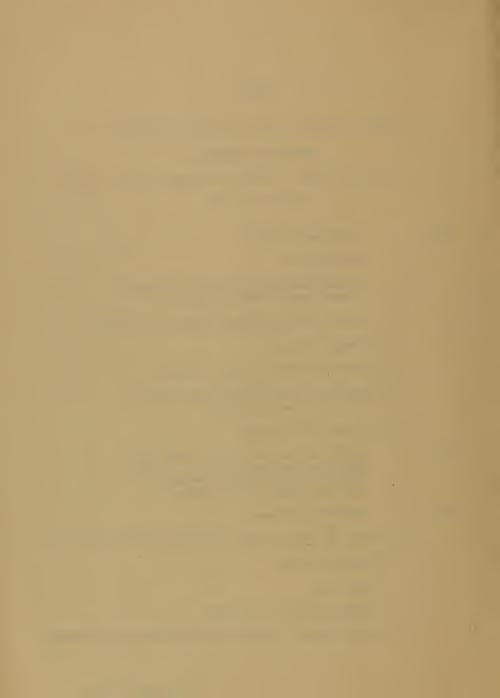
10:00 - Commission convenes.

Introductions.

Opening Statement by Assistant Secretary of the Interior John A. Carver, Jr.

Installation of Chairman Charles H. W. Foster

- 1. Adoption of agenda.
- 2. Remarks by Director Conrad L. Wirth.
- 3. Organization and staffing of the Cape Cod National Seashore Project.
- 4. Land Acquisition Status.
- 11: 30 Adjourn for luncheon at The Cosmos Club,
  2121 Massachusetts Avenue, N. W., with
  Secretary of the Interior Stewart L.
  Udall and Members of the Congress.
  - 2:00 Commission convenes.
    - 5. Status of Province Lands and Pilgrim Springs State Park.
    - 6. Zoring Standards.
    - 7. Master Plan.
    - 8. Information Program for 1962.
    - 9. Other business, including time and place of next meeting.



The following members of the Cape Cod National Seashore Advisory Commission were present at the first session of the Organizational Meeting of the Commission, February 16, 1962:

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Chairman Charles H. W. Foster, State House, Boston, Massachusetts
Nathan Malchman, Provincetown, Massachusetts
John R. Dyer, Jr., Board of Selectmen, Truro, Mass.
Mrs. Esther Wiles, Wellfleet, Mass.
Ralph A. Chase, Eastham, Mass.
Arthur Finlay, B ard of Assessors, Orleans, Mass.
Robert A. McNeece, Board of Selectmen, Chatham, Mass.
Joshua A. Nickerson, Orleans, Mass.
Josiah Child, Provincetown, Mass.

The following officials of the Department and the National Park Service also attended the meeting:

## Department of the Interior

Administrative Assistant Secretary D. Otis Beasley

## National Park Service

Director Conrad L. Wirth
Assistant Director Hillory A. Tolson
Assistant Director Daniel B. Beard
Regional Director R. F. Lee, Region Five
Chief of Lands D. E. Lee
Superintendent Robert F. Gibbs, Cape Hatteras National
Seashore Recreation Area
Cape Cod Land Acquisition Officer George H. Thompson



#### ORGANIZATIONAL MEETING

#### CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

5160 Interior Building Washington, D. C. February 16, 1962

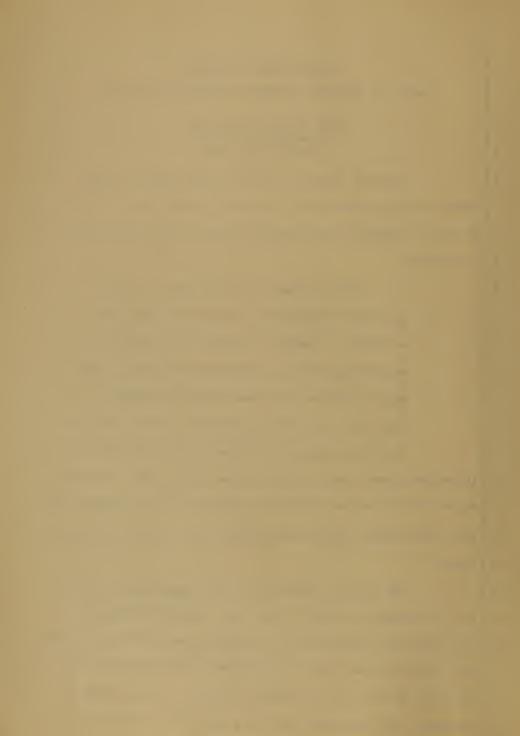
Director Conrad L. Wirth of the National Park
Service called the meeting to order at 10:00 o'clock a.m.
He read a telegram from Chairman Foster of the Commission,
as follows:

two hours delayed due to accident just south of Boston. Suggest no delay on my behalf in conducting official Commission business. Also wish to advise Department Secretary Henry McCarthy will attend Commission meeting with me." Mr. Wirth asked each member of the Commission to himself and to state where he was from. He intro-

"Regret Federal to Washington at least

introduce himself and to state where he was from. He introduced Administrative Assistant Secretary D. Otis Beasley who was substituting for Secretary Udall and Assistant Secretary Carver.

MR. WIRTH: Inasmuch as this Commission is set up by legislation, we felt it would be a very fine thing if the Commission could come to Washington for its first meeting and get acquainted with the Department, the National Park Service, and some of the people in them. We are having a luncheon this noon which the Secretary will attend and we



have also asked some of the Members of Congress to be present.

This will be another way of getting acquainted and help make
this project the best that we can make it.

Mr. Wirth then introduced Mr. Beasley.

MR. BEASLEY: Director Wirth and Members of the Cape Code National Seashore Advisory Commission: It is my privilege to represent Secretary Udall and Assistant Secretary Carver at this organization meeting of the Cape Cod National Seashore Advisory Commission. They will be meeting with you later today. They would like to be here now but they cannot for important reasons.

I thought it might be well to explain to you the purpose of advisory boards and commissions, since some of you might be serving in this capacity for the first time. This Commission was created by an Act of Congress. Such commissions go back quite a few years. Historically, they were used first by Herbert Hoover when he was Secretary of Commerce to advise on important matters relating to the Government. Mr. Hoover asked the Department of Justice to prescribe the "ground rules" for the functioning of advisory committees. I will read one or two from our procedures. I am reading from the Departmental Manual.

"The functions of advisory committees shall be solely advisory; and any determination of action to be taken, based in whole or in part



on such advice, shall be made solely by the proper official of the Department or other official of the Government."

"Advisory committee meetings shall be at the call or with the approval of, and the agenda for the meetings shall be formulated, or approved by, a full-time salaried officer or employee of the Department."

"Advisory committee meetings shall be under the chairmanship or co-chairmanship of, or conducted in the presence of, a full-time, salaried Departmental official. Such Departmental official shall have the authority to adjourn any meeting whenever he feels that its continuation would not be in the public interest."

MR. NICKERSON: Mr. Beasley, how would you resolve the conflict of wording in the act authorizing the Cape Cod National Seashore and the Department's Manual. The act states that the Commission "shall act and advise by affirmative vote of a majority of the members thereof," whereas the Department's Manual indicates that this is done only by officials of the Department.

MR. BEASLEY: If you will withhold that question, I believe it will be answered a little later. The President has set forth some rather complete guidelines for advisory committees.

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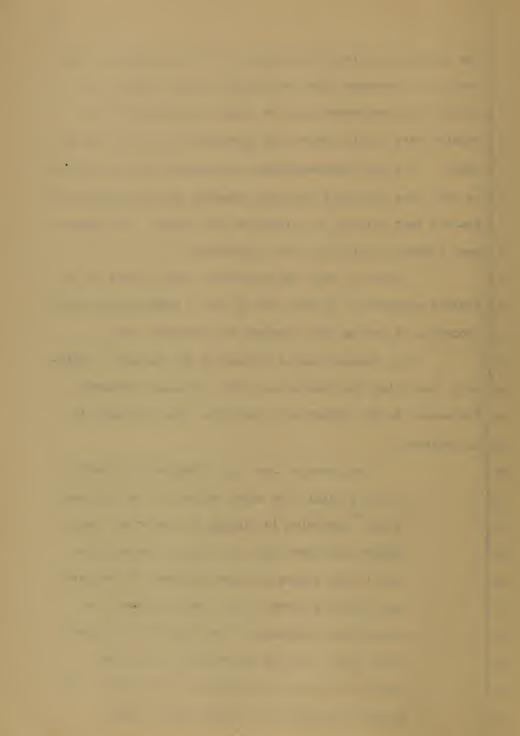
The growth of advisory committees to the Government is the result of Government agencies needing expert advice. It affords the Government and the public an opportunity to receive very costly advice and experience at no cost to the public. You are representatives of important interests, and we feel sure you would not have accepted this assignment had you not been willing to contribute that advice. The Department intends to give you this opportunity.

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Advice is only the beginning; you can help us to achieve agreement. As the work of such a commission as this proceeds, we become more tolerant of different views.

(Mr. Beasley read a portion of Mr. Kennedy's statement concerning the Commission which, he said, contained the answer to Mr. Nickerson's question. The statement is as follows:)

The sponsors have not attempted to specify in rigid detail the exact methods to be followed by the Commission in playing its important role, feeling confident that this should properly be left to the wisdom and good judgment of the persons who will serve on the Commission and the responsible officials of the Interior Department whose joint task and opportunity it will be soundly to develop and administer the Park. For example, the sponsors assume that no major



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decisions would be made relative to the Park by
the Park Service without consulting with the
Advisory Commission; that no member of the
Advisory Commission would participate in decisions or advice of the Commission affecting
a matter in which he had any personal interest;
that no member of the Commission would adopt a
strictly parochial attitude on behalf of the
governmental unit which he represented.

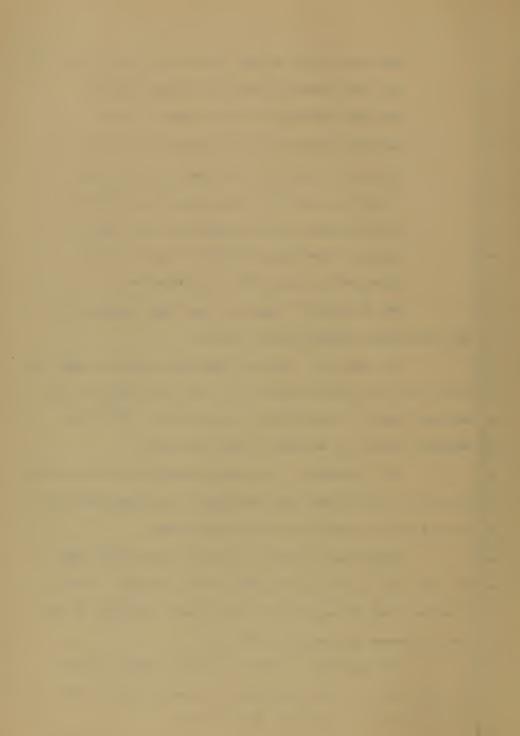
MR. NICKERSON: Would you read that language (of the Departmental Manual) again, please?

MR. BEASLEY: "Advisory committee meetings shall be at the call or with the approval of, and the agenda for the meetings shall be formulated, or approved by, a full-time salaried officer or employee of the Department."

MR. NICKERSON: I am again referring to that portion of the Act which states that meetings of the Commission will be called by majority vote of the Commission.

Which one is right? Who calls the meetings and who says what we shall talk about at the meetings? Do you interpret that to mean that we cannot call a meeting of our own or prepare an agenda of our own?

MR. BEASLEY: I did not intend to make a controversial issue. If the Department's procedures are in conflict with the law, the law will prevail.



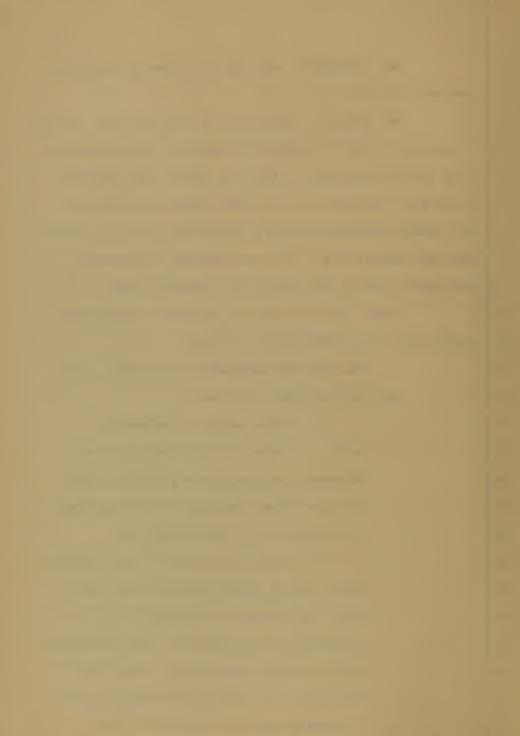
MR. NICKERSON: Do we go by the law or by the Department's Manual?

MR. BEASLEY: You will go by the law, sir. The act is unusual in that it exempts the members of this committee from certain provisions of the U. S. Code. When you are serving on this Commission, you are actually employees of the Federal Government and are representing the U. S. Government and subject to all the laws relating to Government employees, such as the "conflict of interest" laws.

I will read that portion of the Act stating the exceptions to the exemptions as follows:

The exemption granted by subsection (1) of this section shall not extend --

- (i) to the receipt or payment of salary in connection with the appointee's Government service from any sources other than the private employer of the appointee at the time of his appointment; or
- (ii) during the period of such appointment, and the further period of two years after the termination thereof, to the prosecution or participation in the prosecution, by any person so appointed, of any claim against the Government involving any matter concerning which the appointee had any



responsibility arising out of his appointment during the period of such appointment.

MR. NICKERSON: You did not mention, under section (g), that the Secretary shall not issue any permit for commercial use or establish any public use area on the property without the advice of the Commission, if such advice is submitted within a reasonable time after it is sought. Does the Secretary define the term, "reasonable time"?

MR. BEASLEY: If a situation arose where there would be a question on this, I believe it could be resolved.

MR. NICKERSON: Would the Secretary say what a "reasonable time" 1s?

MR. WIRTH: Mr. Nickerson, many of your questions have to do with issues that we will have to work out-certain procedures, etc., that we can all work on.

MR. NICKERSON: Then you are suggesting that the term "reasonable time" will have a definition later on?

MR. WIRTH: We will try to work out those internal procedures.

MR. BEASLEY: I believe the Secretary would seek the advice of the Commission as to what it considers a "reasonable time".



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MR. NICKERSON: Concerning the two-year period mentioned in the act, in the event any person owned real estate that was taken by condemnation, and the award was insufficient, would this bar them from bringing suit to establish a fair value?

MR. BEASLEY: I do not think so.

MR. NICKERSON: Then this would not bar me from bringing suit to determine the fair value to prevent taking of land by condemnation?

MR. WIRTH: If there is any question on that, we had better get it settled.

MRS. WILES: Question: If you have property owned by the town or Massachusetts, etc., does this mean that you can take any land that the town holds or that the Commonwealth holds?

MR. WIRTH: No publicly-owned property would be taken.

MR. McNEECE: Isn't this just an organizational meeting? There are many of the details of the act that we would like to have spelled out in detail. We will ask that they be spelled out in some concrete manner, but at the present time we do not need to have them spelled out now. Is that correct?

MR. WIRTH: That is correct. We have some fifteen commissions, some established by ourselves and some



by waw, and in each case, when we work up the agenda, we get an agenda agreeable to the chairman. There has got to be mutual understanding.

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MR. NICKERSON: I think a poor way to start is to take away the authority of the Commission to have its own meetings.

MR. WIRTH: We will discuss details later. If you will give us a little time, I think you will feel that we are trying to approach this in a way that will be satisfactory.

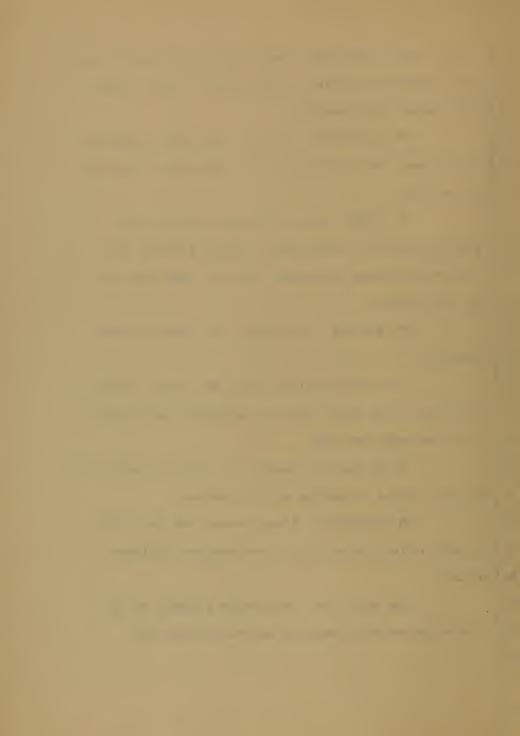
MR. BEASLEY: In summary, the statute always prevails.

I now hand you this gavel, Mr. Wirth. There is a history to the gavel which the permanent chairman will tell the Commission about.

It has been a pleasure to be with you and I wish you all success in working on this problem.

MR. NICKERSON: I now propose that Mr. Wirth be made acting chairman until the permanent chairman arrives.

(The motion was seconded by a member of the Commission and the Commission agreed unanimously)



MR. WIRTH: You have heard the motion. Is there any objection? All in favor -- well, I guess I will put it the other way. If there is no objection, it is adopted.

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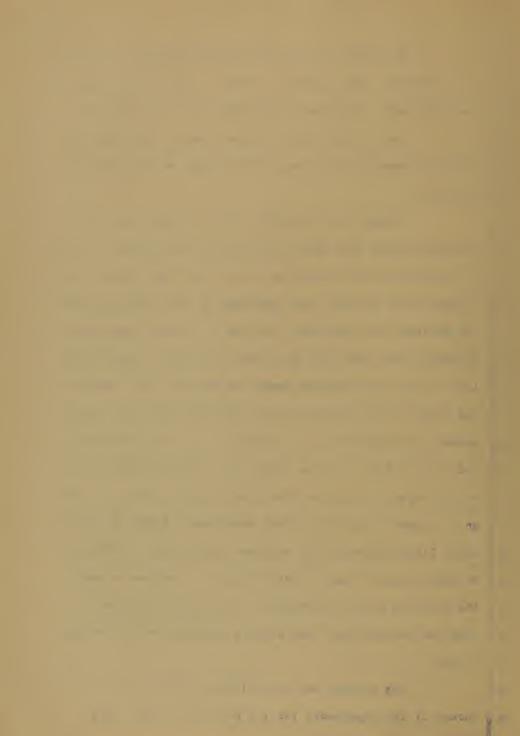
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Now, I would like to have a candid and frank and straightforward talk to you at this time, on the over-all situation.

I know, can't help but know, and you know, and everybody knows that there are conflicts of opinion. First, as to whether a law should be passed, and also conflict as to what is in the law, and there may be some feeling about the National Park Service. We hope as we work together as neighbors that that will be dispelled, and so I would just like to say a few remarks about the National Park Service and submit to any questions you might ask about our organization, our objectives, our desires, our responsibilities, and that will not at this stage--don't misunderstand me, I am not trying to postpone the crucial moment of discussion on it, some of the points that have been brought up, but I would like, before we get on those discussions which might be heated and the many points brought up, before we reach the decision on how to proceed I would like to get off a plug for the National Park Service and what we are trying to do.

The Service was established back in 1916 as a Bureau of the Department for the purpose of preserving



outstanding scenic, scientific, historic and prehistoric areas of the United States as a national heritage.

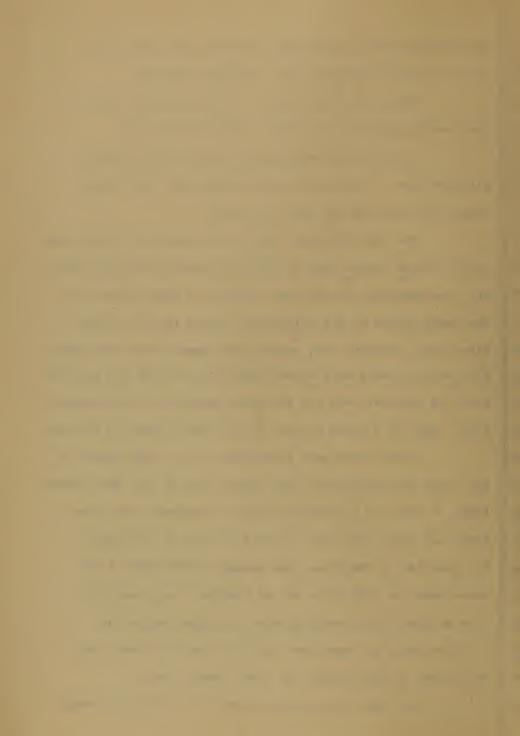
Those are broad terms. I think they are terms that people would give different interpretations to.

I don't think many people would argue too much with the idea. I think they would argue with the kind of things included and the way it is done.

The first National Park in the world was established in the United States back in 1817-Yellowstone National Park-and, incidentally, on that wall there is a Moran picture of the Grand Canyon of the Yellowstone, which was one of the fine scenic features that caused the Congress back that early, even before States were established, to set aside 214 million acres to preserve that and the great geysers and Yellowstone Lake. That is a grand picture of the Grand Canyon in Arizona.

These parks were established all at the request of the state representatives until about 1910 or 1911 when people began to think of a different type of management for those areas set aside, and over a period of four or five years the question of the Bureau was brought forward and it was established in 1916 by an act of Congress; and since that time we have been protecting with our organization the existing areas we inherited, and also historic areas that were added to the system, and other scenic areas.

The idea of a seashore area is fairly new although



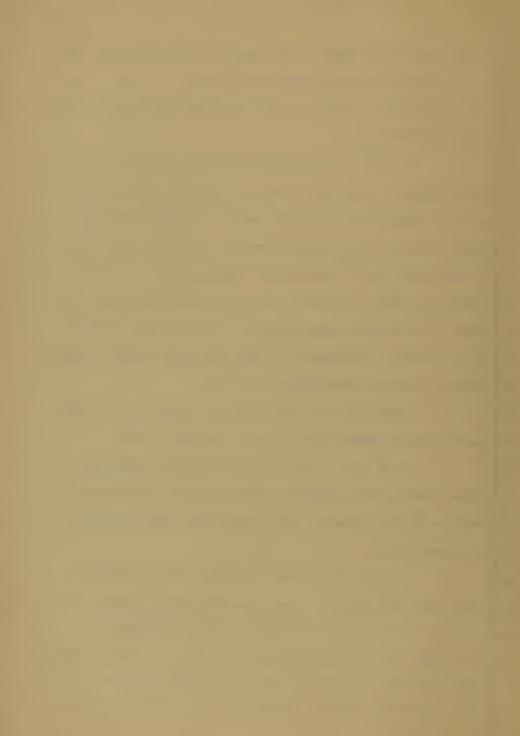
there was a study made in the 1930's of the coastlines, and out of that came Cape Hatteras and recently, of course, you know the history of the Cape Cod area and other seashore areas under consideration.

We have found through experience that any park established in any nearby community or within communities or near communities within the radius of several hundred miles even, that the establishment of such areas does have a real effect on the communities adjacent to it. It does change the habits; it does change the economic balance. It does bring in new economic values. It does have an effect on the over-all management of lands and the living of people within a radius of the area established.

Some may think that effect is adverse; and it may be in their judgment, and we don't argue the point.

We do know in the history of establishing the areas that it does increase in many respects the economic returns to the community, and it does have adverse affect on other things.

In the establishment of these areas, working on them, and development, we have down through the years, and I feel very firmly in this that we are not building just for today. We are preserving, as the law says, for yourself and your future generations of followers the heritage we have inherited and those things that have come to this nation



down through the years to it so the story of America can be preserved for other people.

In doing so we have taken the stand that it can be within certain limits a gradual transition. It doesn't have to be done overnight.

I will admit in land acquisition the sooner you buy the land the less expensive it is; however, in this legislation I think you are represented in Congress. The National Park Service and Congress itself try to incorporate into this law various kinds of things that will make this kind of thing possible. And one of them is this Commission.

It is a relatively new type of legislation that brings about those things while we had been doing them more or less automatically. For instance, in establishing the Great Smoky Mountain Park, there are people still living in Great Smoky National Park, and that area was established in 1931. The people we bought the land from were living there, one of those things. That is where the mountain people lived and it was part of their life and we had nothing to gain by kicking them out, if I may use a vulgar expression, but that is what we are accused of doing some time.

However, in other things there are times when we are faced with what is the proper thing to do. Here is a piece of raw land that nobody lives on, that somebody wants to subdivide and build on which means that later on, when it



ultimately is completed we have the problem of buying the improvements as well as the other; and, also, many of the things that might be thought desirable or are thought desirable would then be subject to destruction due to the development.

I don't think anybody, and I know that is the main source of differences of opinion between ourselves and other people, both here and on the Cape, is how it is going to be done. I think everybody would like to see the Cape the way it was thirty or forty years ago or maybe the way it was last year, but will it be kept that way? That is the problem, one of the things; one of the most important things that our Commission can help in our work is on this.

Now, I am going to pass these out because it gives you a little idea of how we operate and that is one of the main things I wanted to say and perhaps I got involved in the other above.

I don't know how convincing I have been but due to the previous questions I thought I ought to touch on that a little bit and let you know we are aware of those things and we want to work them out.

We are neighbors and the people going there are going to be part of your community and the success of your community and the success of ours is going to depend



we get along together is the way we can better work them out.

There are a half dozen ways to skin a cat, and the aim of
the Department is to do the least amount of damage and make
the best possible area out of it which would be a credit
to the community and to the nation.

Mr. Foster just came in but I am going to finish this before I call him up here, and I will pass these out to you. This may look bureaucratic to you but I think you ought to know how the organization of the National Park Service is set up in Washington because what I am about to say now deals with it.

All authority, by legislation, is in the hands of the Secretary of the Interior. There is not a bureau in the Department that has any direct authority other than the authority given to him by the Secretary of the Interior, and with many bureaus in the Department, one can well understand that the Secretary cannot take an active interest in every detail of every organization or every project that is going on. Therefore he has directed to the Director of the National Capital Park Service broad authority to carry out his objectives in this particular case and in return—I am not complaining about my job, about doing too much work—but in turn I have delegated that out to our field people for three reasons. One, I couldn't handle it any

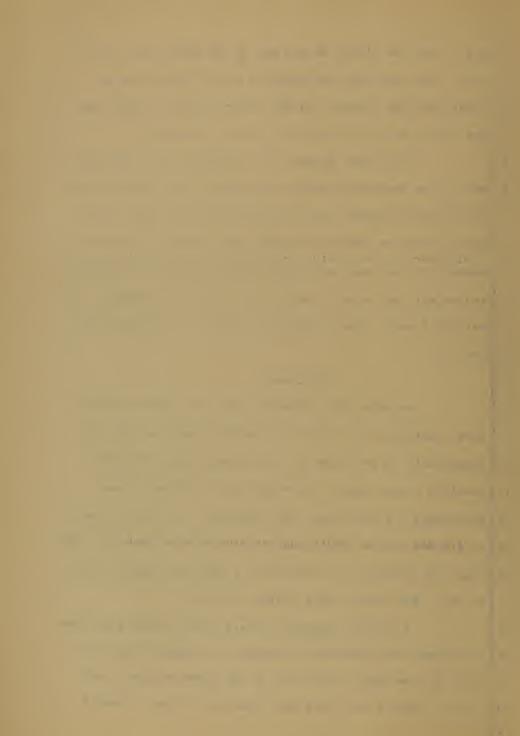
way. Two, the closer we can get to the grass roots the better the decisions are going to be and the better we understand one another and the better results we will get for all of us; and, third, it is more economical.

So we have passed it on through to Mr. Lee here who is our Regional Director who handles the northeast part of the United States, and he in turn has put right on the ground floor Mr. George Thompson, who is now the project's manager in the Land Acquisition office in getting started, and we will get more in detail but in case you have not all met him I would like to have him stand up so you know who he is.

## (Applause)

We have also requested funds for administrative work starting July 1 which is the first year we have had opportunity to get money in our appropriations because of the 1963 fiscal year. For those who do not know, the Government's fiscal year runs from July 1 to June 30, and we are now in the 1962 fiscal year which ends June 30. The July 1963 fiscal year starts July 1 and ends June 30, 1963. We will talk about that a little bit later.

I have the amounts in here that we have asked for management and protection; however, I do want to say this: that we have made a selection of the superintendent, and while I haven't got the final papers all signed up and I

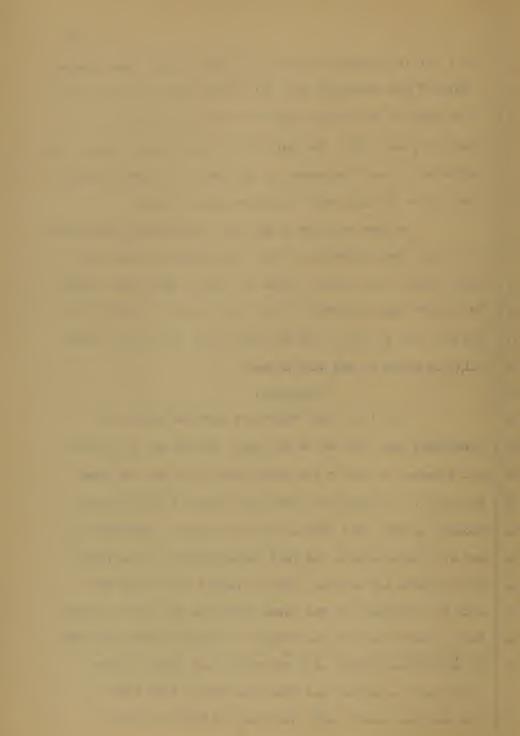


I think I can certainly tell this Commission who it is going to be because the verbal approval of the secretary is that I have the green light, but until it is all signed, sealed, and delivered, I can't announce it, but we are a career organization and we do have adult transfers and so forth.

We have selected a man with considerable experience who is now Superintendent of our Cape Hatteras areas, Mr. Gibbs, and I will ask Mr. Gibbs to come up here, even though he has not been relieved of the other duties, to meet with you and talk to you so you can see who he is and Mr. Gibbs, will you stand up and take a bow?

## (Applause)

Government that you can do and can't do and one is you are not supposed to put in for things until you get the money for July 1. I think Mr. Gibbs can show up a little early because we feel that the man that is going to represent us and will have perhaps the full responsibility of carrying out projects and working with you people day to day and with the officials of the towns should be out on the ground early, should be with you people so you get to know him and he can discuss things with you freely and openly as one individual to another and seek your advice from time to time and you consult with him when you have problems or



want to bring something to his attention, either individually or collectively.

my statement about the way we operate sufficiently simple enough so that it won't muday the waters as to your thinking what the organization is. The way it goes is from the secretary to the director to the regional director to the superintendent. And the superintendent we have referred to as the captain of the ship. Now, we use that expression, and I am sure you people up in your section of the country know what that means. The captain of the ship is in charge. We can go up there but we can't make any changes while we are there without his consent, but we can come back and fire him if we don't like what he is doing.

MR. WIRTH: He reports to Mr. Lee. If we have any disagreement I know the superintendent will want to bring you in on it and I know you will try to reach the decision.

MR. NICKERSON: Does he report to Mr. Lee?

On the other hand, and I think you will understand this, that if there is something you don't like being done, to come directly into the secretary and the secretary will come to me and I will go to the region, and the region will go to the superintendent and get a report, and I think working together in the field the way we propose to do that if there is anything that we must talk about together we



can get on a train and come up there with you and the superintendent and sit around the table and see whether we can't solve the problem. That is the way we would like to work and I think that is the simplest way and I think we understand each other that way better than any other way. I say again I am not trying to put a barrier around the superintendent or the secretary or myself but I do know how big the department is and how much time it involves, and I do most sincerely hope that we can solve our problems among ourselves and honest to goodness we are looking forward to this Commission as friends and co-workers, to be part of the National Park Service and we to be part of you, to try to get this so it will be carrying out the law of the land and do it in a way that will be most successful for it to reach its objective, and do it in the way that will be most acceptable to everyone involved. Now, that is our sincere hope and our pledge to you people and to all people on the Cape.

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MRS. WILES: Do I understand that it is very important we have good feeling with the people down there and we are supposed to help promote this good feeling?

MR. WIRTH: I would say, whether I am hoping too much I don't know, I am hoping it will be and I would like to be in that corner, working up to good public relations.

MRS. WILES: I think you can promote good feeling



only with justice, and if we don't have justice we will never have good feeling.

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MR. WIRTH: I believe in justice too and we will do everything to be just as just as anybody, and I think we are just and we want to be.

MRS. WILES: You can't be just when one of your representatives got up on the Hill and said they did not intend to give one inch whether we liked it or not.

MR. WIRTH: We will go into that later. We will see if we can't iron that out. There is a difference of opinion. Let me just say that there are honest differences of opinion and I don't know anybody that can solve all our differences of opinion.

MRS. WILES: It is not just a difference of opinion!

MR. WIRTH: At least if we understand each other and are friendly in working things out, that is what we will try to do and what we want.

MR. NICKERSON: Mr. wirth, I have a suggestion to make in promoting good relations. We have been in the formative stage. What I am going to say is not intended as criticism. I had occasion to write to the Secretary of the Interior on the 10th of January and got an answer twenty-nine days later, and another on the 15th of January and got the answer before I came down. I would like to



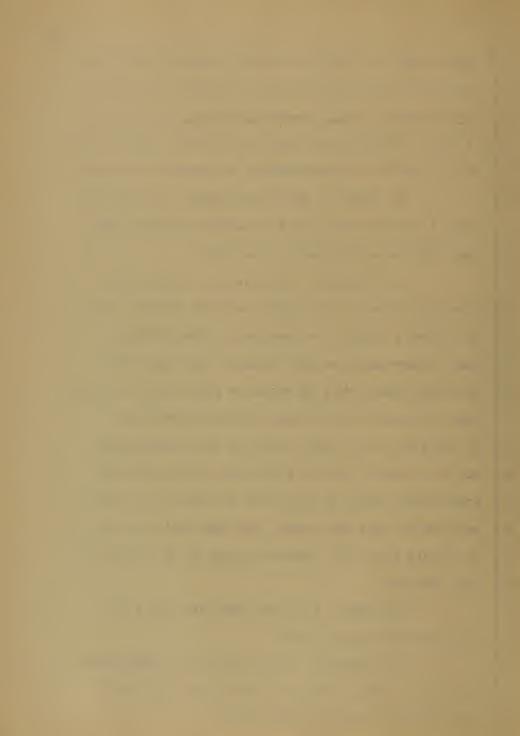
suggest that your office determine a means by which any interested person, any citizen or anybody who wanted to inquire about anything concerning National Park Service is told to whom to write and get an answer. Maybe to you or Mr. Lee or the superintendent, but should be somebody.

MR. WIRTH: I know your problem. We have the hardest problem in the world in getting an answer back that might be a commitment and so forth.

MR. NICKERSON: First letter I wrote simply asked for copies of the statute referred to here, which is perfectly simple. No question in interpretation. Please understand I am not trying to find fault with Secretary Udall, but I am trying to point this out as the kind of thing that can create irritation needlessly. If you just tell us who to write to in the department, and if an answer can't be forthcoming, just write and acknowledge receipt of the letter and that it is being referred to the proper person, and that will do a lot to promote good will. There are going to be a lot of such questions.

MR. WIRTH: I am sure there are, and I am glad you are bringing it up.

MR. NICKERSON: Just a question of designating the office. Even if they just send back a post card acknowledging receipt of the letter.



MR. WIRTH: I don't want to run down government operations, they are usually referred to as a lot of red tape and so on but the routing of the mail and so on, if it is addressed to the secretary, it goes down to a certain place and so on and so forth. And when Mr. Gibbs gets up there he is going to get a supply of material and so forth and he may be able to answer this question or that question and if not he will help you get the answer.

MR. NICKERSON: I am speaking about any citizen in the area, not just the Commission. If the letter is addressed to Mr. Gibbs he will notify whether he can answer and if he can't say that the letter is being passed on to so and so. And it seems to me the letter should be acknowledged quickly, even if questions are not answered. That will do a lot to promote good will.

MR. WIRTH: You are absolutely right and I will say that twenty per cent of the trouble we get into is delay in answering correspondence and your criticism is good and constructive.

MR. NICKERSON: I hope it is constructive. It is intended to be.

MR. WIRTH: Now, Hillary, have you got those little cards? I thought of this as a token of appreciation of coming down here in inclement weather. Will you pass them out? We give these cards out to people

who are working with members of Congress and our commissions. It is an annual pass to our national parks. You can get them every year and we would like it very much if you would accept this as a token of appreciation of your coming down here, and if I may I urge you to use those, and we would like to have you travel throughout the national parks and see our operations, talking with our rangers and what not, seeking any information or giving them any advice you may have because they like it. It is a part of their job and it is a pleasant part of their job.

New, with our appointed chairman, we welcome you here on the slow train from Boston. The assistant secretary was in here, not Carver but Beasley, to open the meeting and he was about to present you with a gavel to start the meeting.

By a unanimous vote of the Commission they made me temporary chairman pending your arrival which I accepted with pleasure, and if you will come here I will try to do the honors the assistant secretary would like to do but he had to go, and then we also approved the agenda tentatively pending your arrival, and we have only got down to my talk, remarks here, number 2. I think you might want to consider the election of a vice-chairman and maybe a secretary of your own and then I think the origin of the Commission and what certain things meant, and even



though it isn't on the agenda you may want to get into something like that. That will be up to you and the

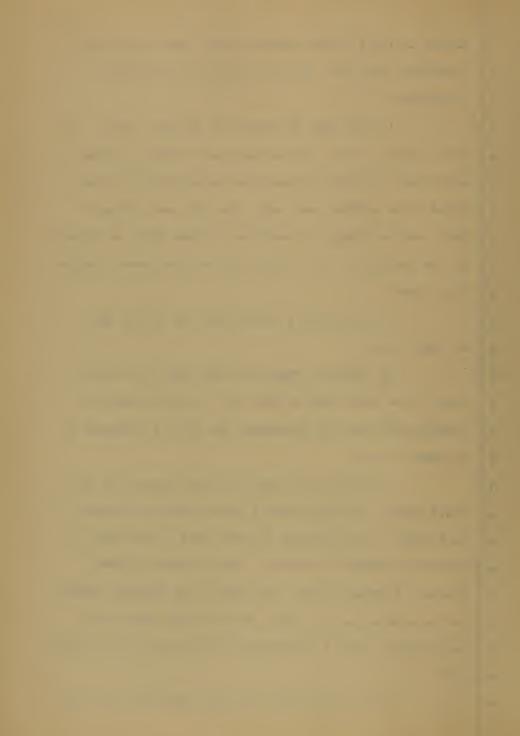
I would like to present to you this gavel. It has a history to it. It was made out of some salvaged wood that was picked up when they were working on the White House several years ago, when they were doing it over, and we thought it would be a proper thing to present to the Chairman of this Commission—a gavel made of White House wood.

And with that I welcome you and we are here at your wishes.

MR. FOSTER: Thank you very much. Mr. Wirth seems to be doing such an able job, I see no need for changing chairmans in midstream, but it is a pleasure to be here at least.

I apologize for being late but there were two train wrecks and things were a little hectic and tense last night. One advantage in being late is that you missed my inaugural address. I had at least fifteen minutes of prepared text. In terms of my opening remarks let me assure you all, those of you on the Commission particularly, that I welcome this opportunity to work with you.

I feel myself that what our Commission does and



how successful it is working as a Commission is going to have a profound effect on this nation's seashore and how that particular project fares, so that I think I have quite a responsibility and certainly as chairman I look forward to meeting fairly regularly with you and attempting to work out with all of you some of the problems that are certain to come about as this project moves toward completion.

It is not going to be easy and I think one fact does stand out, that all of us in our own respective ways care a good deal about Cape Code and the future of that particular area so that in that sense I think we are well in accord and have all the makings, I think, of a successful commission.

This is the sum and substance of my remarks. Probably the first order of business would be to consider the agenda as placed before you, what your pleasure may be in terms of the various items.

I do feel that certainly some time today we should consider ourselves, how we shall meet, where and when and perhaps the various orders of business and transactions of business and if it would be your pleasure to do that now or perhaps have that the first order of business right after lunch. Certainly this is up to you and your judgment.



MR. NICKERSON: I would suggest that that matter be left until later in the day, but I think we ought to have a secretary of this commission, and the first order of business should be to appoint a secretary and any other subsidiary officers that you may ask for.

MR. FOSTER: Is it agreeable to the commission to withhold until later in the day the discussion of the formal transaction of your business other than the selection of the officers? Is this agreeable to the commission?

Hearing no objections I assume it is.

Certainly any commission should have a secretary.

Are there any nominations for the position of secretary?

MR. CHILD: I should like to nominate Mr. Nickerson.

 $$\operatorname{MR.}$  NICKERSON: I should like to nominate Mr. McNeece and withdraw my own nomination.

MR. DIEHL: I second the motion.

MR. DYER: I move the nominations be closed.

MR. FOSTER: Is that seconded?

(The motion was seconded)

MR. FOSTER: All in favor say "aye".

(Oral response)

MR. FOSTER: Nominations are closed. Mr.

McNeese is before the commission as secretary.

(Vote was taken)

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MR. FOSTER: Mr. McNeese has unaminously been voted secretary.

Mr. McNeese, you have been selected as secretary of the commission.

MR. McNEESE: Thank you. I notice we are having very ample assistance here and I assume we will have a transcript of what is said and that relieves me from taking notes at this time.

MR. WIRTH: We felt that at the first meeting, whoever was secretary shouldn't be straped with the responsibility of preparing the minutes and we will give you the minutes.

MR. NICKERSON: I would like to move that the commission instructs or requests that the chairman should secure funds for the necessary expenses of the secretary or do you want to do that some other way? What I want to get is authorization from you.

MR. WIRTH: Mr. Nickerson, I think it is provided in the act itself.

MR. NICKERSON: I just wanted to make sure he wasn't put to personal expense.

MR. WIRTH: He will not be or the commission. I think this is fully covered in the law that we will see that the bills are properly taken care of. We would pay.

MR. NICKERSON: If it is clearly understood



perhaps no motion is necessary, but I think it ought to be fully understood. The secretary would have to get certain books and materials and so forth and probably will have to hire secretarial help in preparing his work.

MR. WIRTH: I will tell you how we have done in other commissions. We have supplied much of the material, like paper and so forth out of government supplies. We have supplied the stamps and desks and typewriters and everything else. If he needs outside secretarial help for some reason, for special events, he will be able to talk to the superintendent, say he would like to have some and arrange for the bill to be paid.

MR. NICKERSON: You have typists down there?

MR. WIRTH: We intend to do it all at the Cape.

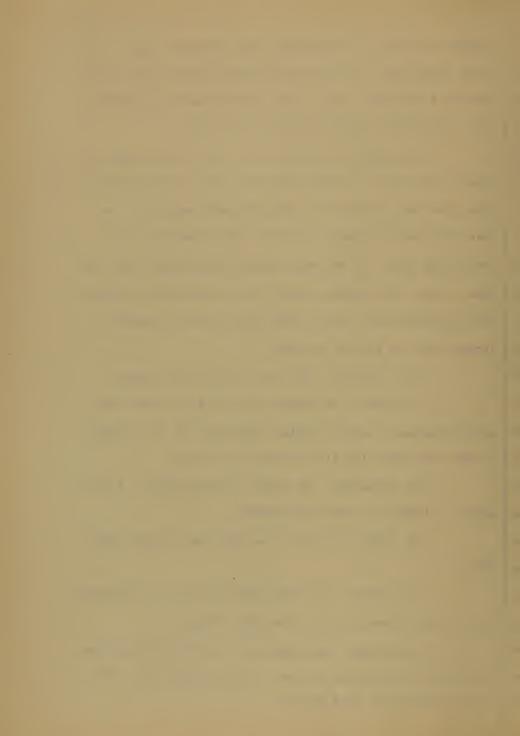
We don't expect, except special occasions, to do it here,
so that the work will all be done at the Cape.

MR. NICKER3ON: My point is very simple. I don't want Mr. McNeese to have any expense.

MR. WIRTH: Why don't we have the minutes carry that.

MR. McNEESE: Let the minutes include my appreciation of your concern for my financial status.

MR. FOSTER: The question was further raised on the need for additional officers of the commission. What is your feeling in that matter?



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MR. DIEHL: I make a motion that Mr. Nickerson be made the vice chairman.

(The motion was seconded)

MR. FOSTER: It has been moved and seconded that Mr. Nickerson be named vice chairman of the commission.

MR. DYER: I make a motion that nominations be closed.

(The motion was seconded)

MR. FOSTER: Nominations are closed. I believe we can vote without any further discussion. All in favor indicate by saying "aye".

(Oral response)

MR. FOSTER: Mr. Nickerson has been voted vice chairman.

MR. NICKERSON: Thank you for your confidence and I hope I will merit it.

MR. FOSTER: I am sure you will.

The commission has transacted an enormous amount of business in about five minutes.

Referring to the agenda for a moment, we have decided to refer until after lunch the question of meetings and proceedings and so forth. What is your pleasure with respect to the rest of the items on the agenda?

(There was an off-the-record discussion about meetings and proceedings)



MR. FOSTER: I would like to point out we are now talking about what we decided to defer until after lunch.

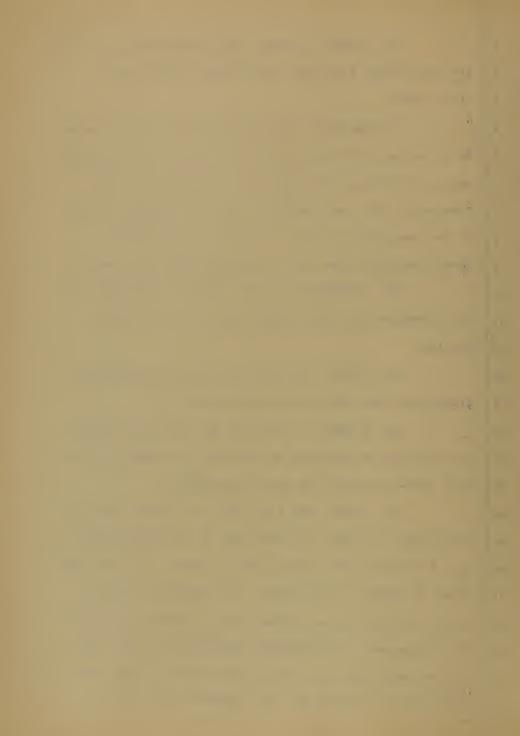
I think these are good suggestions and it seems to me we can work this problem out without too much difficulty and certainly the chairman would think that any commission would have certain rights and responsibilities in the preparation of its own agenda, and certainly we should recognize the sort of problems that will come up.

MR. NICKERSON: My only reason for bringing it up is because you weren't here when it was discussed earlier.

MR. FOSTER: Why don't we set that aside until after lunch and settle that once and for all.

MR. McNEESE: As long as Mr. Wirth has touched on the origin of staffing we may have just enough time to hear something about the Land Acquisition --

MR. WIRTH: May I say that it is about time to leave here for lunch. We have cars in the garage that will take you to the Cosmos Club for lunch. It will take about 15 minutes to get there. The Secretary will be there for lunch and we invited the two senators and all the congressmen who introduced legislation on Cape Code to have lunch with you, and we have reserved rooms for twenty-five or thirty, and the Secretary will say a few



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words there and we would like to be out of here in ten minutes.

MR. FOSTER: As far as Item Number 3, the staffing of the seashore, that item should be covered.

MR. WIRTH: I think I talked it over when I talked about Item 2. I introduced Mr. Gibbs who will be the new superintendent up there if all the papers go through in the regular forms.

MR. FOSTER: Item 3 has been covered to your satisfaction?

MR. WIRTH: I think so. We are working on our '63 budget, and in our '63 budget we have funds for management and protection and maintenance and rehabilitation, in the extent of 86,000 dollars for management and protection is taken care of in that; and the extent of \$108,000 for maintenance and rehabilitation which will help take care of some of the roads and buildings and utilities and so forth or any particular things we might have at that time.

I felt we should have some estimate and not wait for a whole year so we have that in to present before the House.

MR. CHASE: There will come a time when you will have to do something for the protection of shellfish.

MR. WIRTH: I think we are staying out of the shellfish business.

MR. NICKERSON: I would like to suggest that



the Park Service have a tentative outline of personnel, not by names of individuals, but organization and names of individuals available for the immediate future and projects beyond that, if that is available, between now and the next meeting.

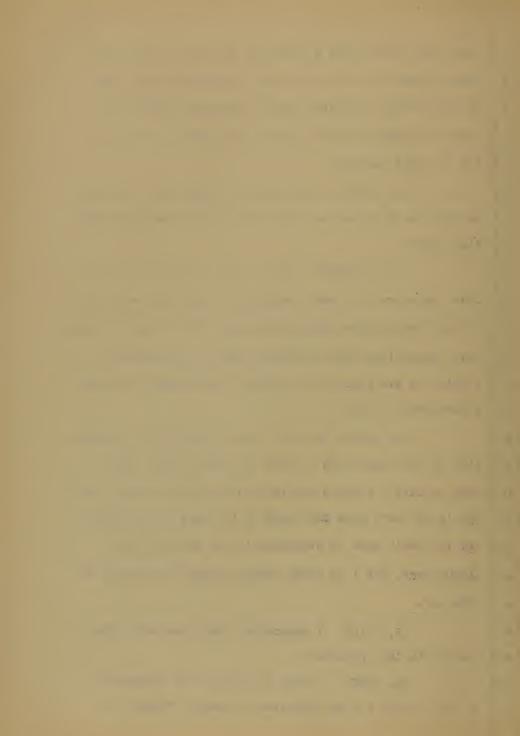
MR. WIRTH: May I answer it this way. We will be glad to do it but we still have to get the money from the Congress.

MR. NICKERSON: What I have in mind is we who live there are in a good position to judge the necessity of the Park Service from local points of view and we would have suggestions which we could send to our senators. I think we are going to be awfully shorthanded from what I have heard so far.

MR. WIRTH: We will do that but if it is acceptable to the commission I think we ought to work out a code to mark a certain way for your use and your use only and if we don't have that code on it there is no reason why you can't make it available if you want, in your discussions, but I do think certain things we have to do that way.

MR. CHILD: I understand there has been some hold-up in the appraisers.

MR. WIRTH: I have this report on appraisers. We have to get all our appraisers cleared through the



Attorney General's Office on the basis of whether they are qualified to appear in court if it is necessary.

I think we are getting the clearance on that today, is that right Mr. Lee?

MR. LEE: We have a meeting scheduled Monday morning with the Chief of the Lands Division.

MR. WIRTH: We are in pretty good shape and I think by the end of next week we should be ready to go through with our appraisals.

MR. MALCHMAN: I have been approached by people who are interested in obtaining jobs. Is it going to be the policy to hire locally or offices set up or who are these people being referred to?

MR. WIRTH: There are certain positions, like superintendent, that are career jobs. They are what we call uniform personnel.

We try our best to employ locally on all of our maintenance jobs. Those people live there and have houses and places to stay.

Those in the career service and going on up to my job some day, those are transferable people and they are under the Civil Service, but the others we have to employ in accordance with the regular government procedure from lists furnished us. The laboring group will be employed locally.

MR. WIRTH: It is the responsibility of the captain of the ship.

MR. NICKERSON: Who will be Mr. Gibbs?

MR. WIRTH: You can refer to him when he gets up there but there is not going to be any money until July 1, and I am just telling you in advance because appropriations will not be available until then.

MR. FOSTER: Any more questions on this subject? (There were no questions)

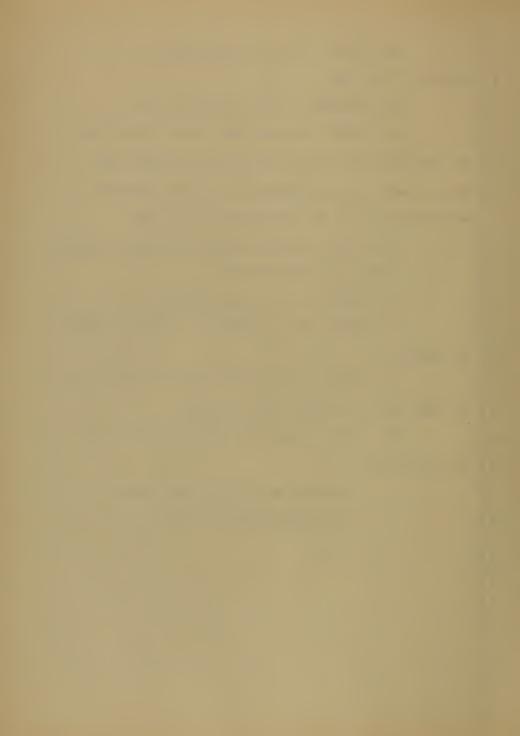
MR. FOSTER: Are we right on time?

MR. WIRTH: Yes, I think so. Suppose we recess for lunch now.

MR. TOLSON: The cars are waiting in the garage to take you to the Cosmos Club for lunch.

MR. WIRTH: Suppose we resume at 2:00 o'clock this afternoon.

(Whereupon at 11:35 a.m. the meeting was recessed until 2:00 p.m.)



## AFTERNOON SESSION

(2:00 p.m.)

MR. FOSTER: Ladies and gentlemen. The gavel works.

I am so full of food and good fellowship, that I can hardly see straight, but I believe that the afternoon session of the Commission should come to order.

I would hope that we could proceed with some of these items on the agenda, and then, perhaps, end up where we left off this morning on the procedures that the Commission will follow in the meetings to come; so with your permission, I would like to move to Item 4 and get a status report on the Land Acquisition Program to date.

I believe Mr. Don Lee is prepared to comment on that.

MR. R. F. LEE: Mr. Chairman, members of the Commission.

I would probably best be able to describe the problem we have on Cape Cod by starting out to tell you not what we are going to do, but to tell you how our operations tend to differ from those of other Government departments, of which I could give one or two very definite examples.

There are certain Government Departments that are authorized to undertake projects and when they are, there



is an immediate premium on their ability to acquire that land as of the next morning.

The reason for that is, for example, if you took a Bureau of Reclamation Project, where they wanted to build a dam, they could not delay that acquisition program over a series of years. The reason for that is obvious. They have to have that land immediately so they can begin the construction works that they have in mind for the dam and they have to have all of the dam, because they are going to flood it. They are going to go on with their development.

Inkewise, there are certain units of the Armed Forces that have to have land for their purposes and when they move in to acquire land, they just go right on in.

They file a Declaration of Taking. They take the whole land. They cay, "Here it is. We want it. Now we will talk to you about buying this land; paying for this land."

Our problem at Cape Cod on land acquisition is going to be different than that as we contemplate it now.

I think the Director has brought out in previous testimony, that what he has in mind is buying this land as we go along to the extent that we can. We will work with the owners on the Cape, in an effort to work out an orderly purchase program. Under that program, I expect and I believe Mr. Lee -- my counterpart here -- Donald Lee,



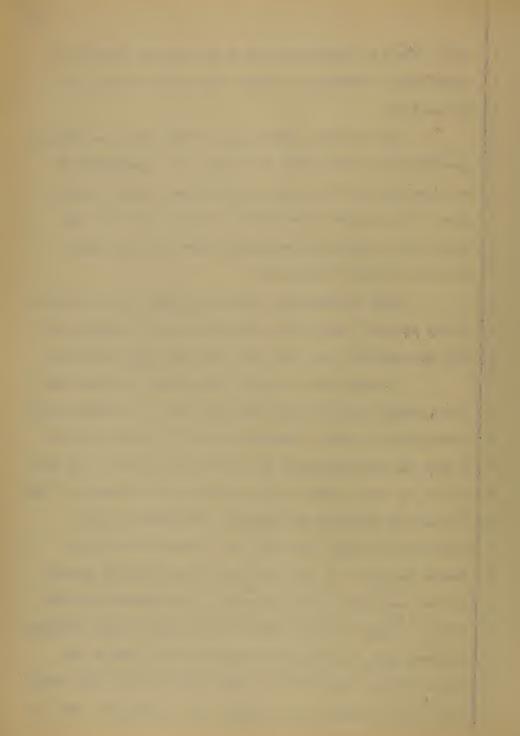
will second my statements that we do not have in mind any large scale. condemnation program that should alarm people on the Cape.

We will give probably all of the owners on the Cape, practically all the owners on the Cape, the opportunity to sit down with our Land Acquisition Officer, George Thompson here. We will give these people a chance to sit down and talk with us; what is a reasonable value for their land.

We will try to buy those lands.

Now, you know and I know that there will be certain people who will believe that the price we are willing to pay will be different than what they think the value should be.

Cases arise, and I hope that they are kept at a minimum, then there may be no other alternative except ultimately to have a jury sit and decide what that value will be; but I can tell all of you this: That in over a quarter of a century, in land acquisition work with the National Park Service, with projects of a large scale, we have had men on the job to handle the work. We have purchased no less than 80 percent of the areas that had been involved in the various National Parks. I talk now about places like the Great Smoky Mountains National Park; the Everglades National Park; Mammoth Cave National Park; Royal National Park and one or two other areas that I won't trouble you by naming; but I anticipate that, as



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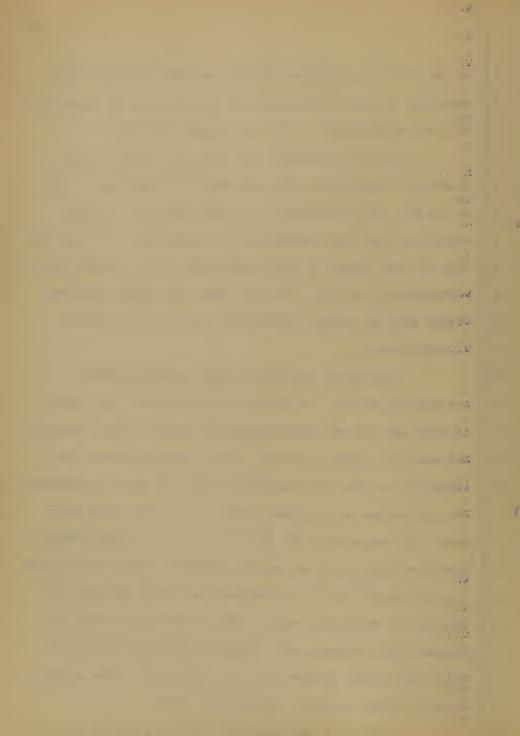
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we get into an acquisition program, we will be able to buy certainly at least three quarters of this area at prices that will be satisfactory to the local people who sell to us.

Now, as you know, under the Act, we have a very favorable situation for the land owners because this is one of the few Acts -- in fact, it is the only Act -- of its nature that has ever been passed by Congress in which there has been the same degree of solicitude shown for the owners that is reflected in this Act. That is, there are certain reserved rights that the owners, themselves, can elect to preserve if they desire.

That is in the form of life estates; estates for certain periods. So rather than go into an area, such as Cape Cod, the way some Government Agencies might, filing a declaration, lifting the title out of the land owners, immediately, as they have authorito to do, we intend to proceed on this program on a purchase basis, and I think that will meet with response on the part of all of the owners because I am sure that all of us, myself included, would be very happy to sit down and talk to a Government man about how much his property is reasonably worth. That is the way we intend to approach that program; and I think it will do a lot of good with people there because they will not wake up some morning and find themselves in a condemnation court.

Now that I have described generally how we have in



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mind, generally approaching this program.

I will go back to September 7, I believe it is, or August 7, or whatever the date was in connection with this Act.

August 7, 1961 -- and tell you what happened there and I think I can answer the point that Mrs. Wiles raised this morning.

Immediately upon passage of this Act, we were an Agency that had no land acquisition organization. We had no information whatsoever regarding the ownership of Cape Cod. However, the telephone rang one day, and it was a man in the War Department who said, "We have 1700 acres there."

And he said, "We did not extend the lease there. We have a lot of buildings that are dropped to us. What are we going to do about that?"

We had no organization. We had no title reports. We had no information whatsoever. So we did the logical thing. We consulted with the Department of Justice, because we had discovered that Camp Wellfleet had been acquired on a leasehold basis by condemnation by the Department of Justice on behalf of the Army, who had this missile base at Camp Wellfleet. And we had problems there with respect to what would happen regarding improvements that were on the land.

Now, we had no information about this. We had

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no organization. We had no chance to study. So, upon the advice of the Department of Justice and after consultation with the Department of the Army we said, well, we realize that this may create a wrong impression but the only way that we see that we can protect our interesthere, all things considered, would be to file a declaration of taking; and we consulted with the Regional Office on it. Mr. Lee's office. We had nobody in Boston to talk to about it except the U. S. Attorney. This was entirely new to him. So we filed a blanket suit to take in all of the Camp Wellfleet.

Bear in mind, at the time we filed that suit,
we had no title evidence whatsoever, and none of the attorneys
in the Land Division called my attention to the fact that
there was any land that was owned by estate or any municipal
subdivision.

So we filed a suit taking in the entire camp area as the Department of Justice had done, when they lifted the leasehold interest out of the property owners, which gave them the right to Camp Wellfleet. We did talk to the Department of Justice after the suit was filed and we discovered subsequently that there probably were one or two ownerships in there, by political subdivisions of the State of Massachusetts, on both accounts.

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wealth wants that thing back, that we have filed for -- bear in mind, when we file a Declaration of Taking and vest title in the United States, there is, under the Declaration of Taking, statutory authority under which we can revest the town, if it so elects, the title to that land.

If the town wants title to that land back and they make application with us, we will be glad to take it up with the Department of Justice and explain to them that, included in the original taking of the 1,700 acres, was a given acreage of the Wellfleet property. The Town of Wellfleet will have to decide itself whether they want to retain title to the acreage that they have in there, or whether they want to be reimbursed for it.

We are perfectly willing to reimburse the Town of Wellfleet for the reasonable value of whatever land was included in the original declaration of taking.

MRS. WILES: File it with whom?

MR. LEE: Advise Mr. Thompson.

MRS. WILES: Mr. George Thompson?

MR. LESS: That is right.

There is another possibility under the law,
we have authority to exchange lands there. If the Town of
Wellfleet would like to trade the land that it has in
Wellfleet for other land outside, that probably can be
worked out too, because the Department of Justice has broad



authority to enter into stipulations.

MRS. WILES: I think that would be a nuisance to the National Park Service, to have that land in the park; have that piece of land in the park. It would be a nuisance to them.

Likewise, it would be a nuisance to the town.

MR. LEE: I do think they would like to have
an exchange.

The only point I want to make is it can be worked out in two or three ways. I feel absolutely sure in my mind that the divisions of law, and whatever must be done, can be worked out entirely to the satisfaction of the town of Wellfleet.

I point out, and assure you, if the Town of Wellfleet wants the title revested in the town, it can be done.

MRS. WILES: I know. I am sure of that.

MR. IEE: There is no problem there, whatsoever.

That can be worked out very readily; either you can be reimbursed for it, in which situation you keep it; it can be worked out in exchange; or we can revest title.

There are three possible courses. Any one of those can be worked out very readily.

Now, we therefore filed the suit at Wellfleet. That was so soon after the passage of this Act, as I have pointed out, that we did not have a full knowledge of what the whole



situation was there. So we did file the suit. We felt it was necessary at that time.

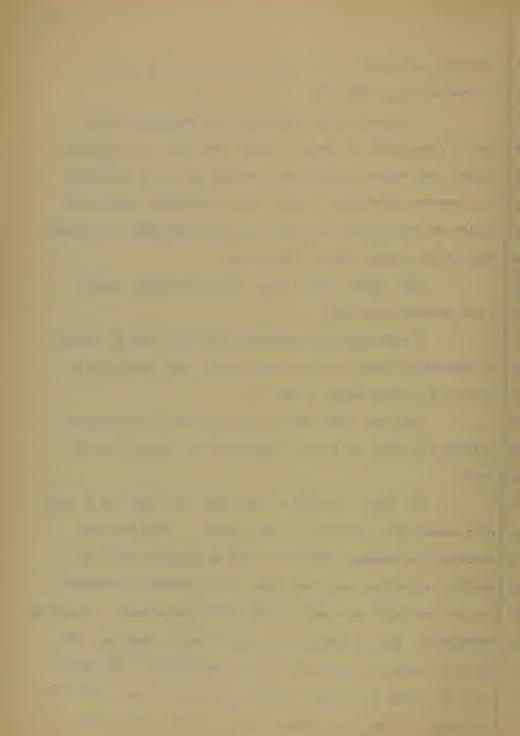
If there are any adjustments in connection with any of those lands in there; whether town lands or municipal lands, that can be adjusted very readily upon your advising Mr. Thompson of what your wishes are in the matter and he will advise us and we can work it out with the Department of Justice. There is no problem there, whatscever.

MRS. WILES: Could I ask you a question? Could I ask another question?

I understand your purpose to get the land as cheaply as possible? That is, if you can get the land given to you, you would be very happy to take it.

Well now, what about someone who has a lot of land, and wants to keep cut a small portion of it. Could that be done?

MR. LEE: It could be done under the law, but I could only answer that generally to this extent. When the Act contains the exchange authority, such as this Act does, the pestion is whether land there owned by the Federal Government, or land that will be a part of the Federal Government, should be exchanged. That is largely an administrative question. You you will have to consult with your local people -- Mr. Thompson, Mr. Gibbs -- to find out first, what you have to offer in exchange for the lands that we have. I would not be able to



answer your question generally except to state that it is entirely possible for an exchange of that nature to be worked out, and the Act covers that expressly.

MRS. WILES: I think the public relations would be much better in these areas if they would try a little of that because, as I understand it, originally, when they were first talking about this park, they said that this land was not going to be taken in — this person, particularly. They were going to take other land. It could easily be done, because the land adjoining their's would be in the park. It would be just coming out, just a small portion.

of the Act. It is a possibility. That is a matter we would have to work out locally with people, after we get in there and find out just where the land is located, that is proposed to be exchanged. I am sure we would be very happy to talk to you about that.

MRS. WILES: It would help a lot, as far as public relations is concerned.

MR. LEE: Now, to get back to what happened after the passage of this Act, we had no knowledge. The first thing we had to do was develop an organization. We had to figure out how we were to proceed. So we worked out what we thought would be a logical land acquisition force.

Mr. Thompson was selected as our Land Acquisition

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Officer. We ran into several problems immediately. of course, as we do in all planned acquisition problems and cases.

First-off, we had to have title evidence, and I have already talked to two or three of you people from the Cape, and you have mentioned to me the fact that it has already been brought home that you have quite a problem here on some of those titles; but we are working with the U.S. Attorney's Office, with the Lands Division of the Department of Justice, and with title companies, and conveyancing firms in Boston, to get the best title evidence that we can on the ownership of those lands, and also, the very important problem, which is associated -- how fast we can get those titles -is important.

We have a problem there, because the title companies do not operate on the Cape, as you know. The title companies and the conveyancing firms that we would deal with, probably all of them will be incorporated in Boston, although local people -- abstractors -- will be used, undoubtedly, to check those records and to make the title reports for the companies in Boston; but we had then, struggling with that, the question as to whether or not we could get title insurance policies of Massachusetts, which is something relatively new there; or whether we would use conveyance firms. We will probably decide within the next week. We have two or three



meetings scheduled, and I think we will be able to decide next week whether we will take, at Camp Wellfleet, a conveyancing firm or title insurance company, or whether we will split.

I have a meeting on that next week, but that is

one of the things that we ran into, and one of the things that

slowed us down, is just what title evidence we would require

on the property and how we would handle it.

We also had an incidental problem to the land acquisition work, that has been, under the Act we would have to get a perimeter description drawn of the property. We have only recently entered into a contract to have that perimeter description drawn properly so we can then develop a definite map showing the legal description in accordance with this Act of August 2. Just where these boundaries are,

A final question, probably the most important question to you people, is what will we pay for these lands? There you get down to the crux of the situation. We are working closely with the Department of Justice, in an endeavor to secure competent appraisers. None of these appraisers have been approached on the basis of, "We want you to appraise this land at a high rate or at a low rate." We have looked at one thing, and one thing only, in all of our consultations with the Department of Justice; namely, what are the qualifications of this man? Has he had sufficient experience?

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Does he have sufficient knowledge of land values?

So that if we employ him to do appraisal work for us, he would give a good sound figure of value on the land involved.

Now, that may seem relatively easy, just explaining it to you as I have, but you get into more problems than appear on the surface.

First of all, while we might be satisfied with a man who has good qualifications to advise us on values, the Department of Justice looks at it a little differently. They have this problem, in the event that we are not able to work out a purchase deal with an owner, would this appraiser, if we use him, would be the man that they would want to use in court?

report for you, but if you put him on the witness stand, he might fumble and mumble all over the place. You might get disgested with him. That man there is not the man that the Department of Justice wants on the witness stand. They say, "If you want to hire him as an appraiser, you go ahead and do it, but we are not going to use it." If we hire him to make an appraisal for us, and it should develop we cannot get together on price, we would have to hire an entirely different men, and duplicate the cost, and say, "Now, we start over with this man and use him in this case."



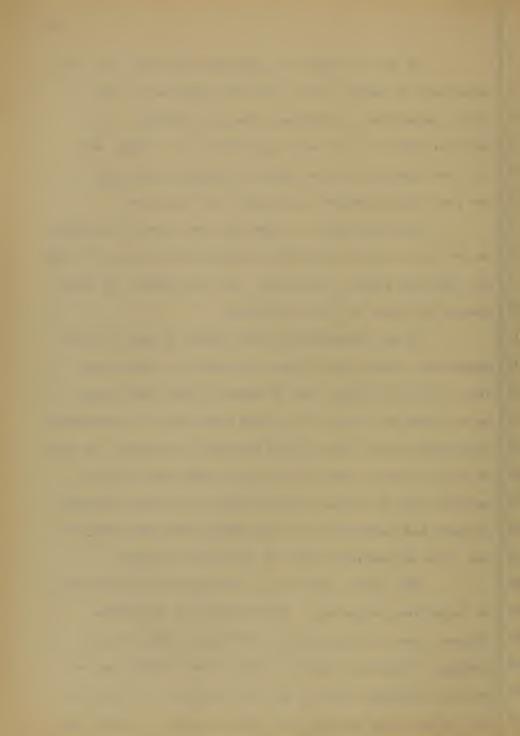
So we are trying to coordinate our action with the Department of Justice, to be sure that everyone we hire is, first, competetent to appraise values on the Cape. As I told you, there has not been any approach to a single one of these appraisers on the basis of trying to find out, are you a high appraiser or are you a low appraiser.

In other words, we hire these men purely and simply on the basis of their imcwledge of real estate values. If they are high, all right. If they are low, all right. We class them on the basis of their efficiency.

We are coordinating these efforts of ours to hire appraisers. We are not calling any shots as to where they should be in the future, and we expect in the coming week, we will have the Chief of the Lands Division of the Department of Justice return, which should be Monday or Tuesday. We will be able to clear a panel of the appraisers, part of whom probably will be put in to start appraisal at Camp Wellfleet property and undoubtedly, we will assign other properties on the Cape in connection with the acquisition program.

MRS. WILES: Excure me. With regard to the exchange of properties, supposing -- just take me for an example.

Suppose I have an opportunity to exchange? Would that be binding, or would you later on come and say, "Well now, we made this exchange, but now you have nothing to exchange, so now, we are going to take your property away", or would that



be binding?

MR. LAE: I would only answer you in this way.

Federal Government to acquire land for properties, except within the limitation of this Act, but to get back to your point. If the Park Service worked out an exchange program, I feel very confident, from the past emperience I have had over many years, as Mr. Wirth has for many years -- Mr. Wirth had the same position that I have right at the present time -- I could not conceive of the Park Service Officer -- or I don't know of any case in over a quarter of a century with the Park Service -- that after we worked out an exchange, we subsequently came back and said, "It is true, we swapped some land, but now we don't want to swap with you."

In 25 years, I don't know of a case where that has been done. I want to point out that under the law, it may be something that same up. However, that has never been done in any case with the National Park Service.

MRS. WILES: People involved in the exchange will have to rely on the integrity of the United States Government.

MR. IEE: I would say you have not only integrity, but you have many, many years experience in that type of thing. So when the Park Service works out the exchange, you can be sure they have not worked out the exchange until they have been satisfied that the ownership of the parcel that is swapped off



to you is entirely satisfactory to them, in accordance with their administrative wishes.

MR. WIRTH: We would not swap any land that would be necessary for park purposes. Mr. Lee is saying that there is no way in which we bind some other body of the Government at some later date; but some other project might come along that might require that land. As far as the Park Service is concerned, I think you will find that to be a matter of record, but as to some other project which might come along, to say, "I will swap that land", there is no way I or Don Lee can now say that will not happen.

it says, "unto his heirs and assigns forever", it looks as if that doesn't mean anything any more.

MR. WIRTH: I think it means an avful lot.

IR. LHE: I think, Mr. Wirth -- as you know,

I don't know how long you were Chief of Lands -- it was

some years back, ahead of my time.

MR. WIRTH: I am not counting the years any more.

IM. LEE: I know of no case in twenty five years -I am sure Mr. Wirth can remember longer back than that -neither of us know of any case where there was any exchange
of land where the Government insisted later on, on acquiring
this same land. I point that out. There are thirty years
of operating experience that I think ought to carry some



weight with anyone who goes into this question.

I will ask if there are any questions, because as of this moment, I more or less divorce myself from the operation, because we now have a Land Acquisition Office that we established at Cape Cod. This is under the new direction of Mr. George Thomson. All of the little problems that have to be worked out there, will be his problems.

Negotiations will be his problems.

Now, the Director's Office will get into some major problems, but we will nevertheless, let the operation be conducted at the grass roots, as explained by Mr. Thompson, but before I turn it over to Mr. Thompson, I will be glad to answer any questions concerning the Park Service policy that anybody would like to ask.

MR. FOSTER: I should have probably mentioned,
Mr. Donald Lee is Chief of the Lands Division, and given
him his full title.

Before we get into questions, and I am sure you have them, I have a bit of bad news for anyone who is holding plane reservations back to Boston. Apparently, the early flights have been cancelled and Mr. Lee very kindly offered to assist any of you in, perhaps, making train reservations or hotel reservations if you decide to stay over if there are any people who are in that unfortunate predicament.

(Discussion off the record regarding plane reserva-



vations.)

MR. FOSTER: One other thing, if you will.

We have quite a lot of ground to cover here. I think it would be helpful if we give whoever is making the presentation, a chance to cover the whole subject.

I don't wish to shut anyone off at all; and then open the floor up for questions when he is through, and again, not adhering too strictly to detail, I think it would be helpful if you would request the Chair to recognize you and then take the floor. This, I think, would enable us to proceed efficiently.

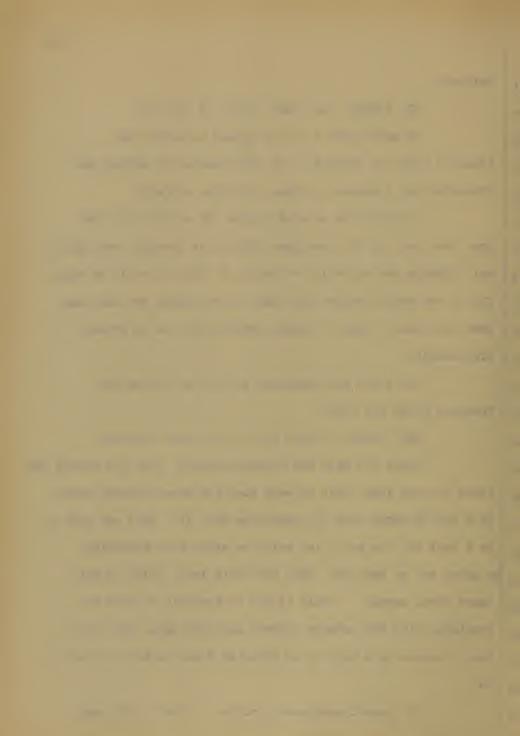
Are there any questions of Mr. Lee before Mr. Thompson gives his talk?

MRS. WILES: I would like to ask one question.

Where you have the Aubudon Society, that has around 398 acres of good land, that is very good for reservations, there is a lot of marsh land in connection with it. They ask that to be a part of the pot. And well, we asked that something be taken out of the pot. They took this land, which it gets taxes from, anyway. Would it not be possible to work out something with the Aubudon Society and give them some other land, because in a way, it is detached from the rest of the pot.

It doesn't seem hardly right. I don't think many of you realize the repercussions of this thing. Our young

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are going to have to leave town in order to get work. I am not saying that just to be saying something. It is true; and it seemed to me something different could be worked out by the Audubon Society.

MR. FOSTER: Were you suggesting that, perhaps, the Aubudon property be returned to the town?

MRS. WILES: I don't suppose you have the right to turn it over to the town. It would have to be -- the Aubudon Society would voluntarily take some of them in, because they could do something else; or for a part of the pot, we could put it in the pot, and give something else for the 398 acres that we don't get taxes on.

IR. FOSTER: Mr. Wirth, I know of the property.

I have been on the property, and I would say this to you.

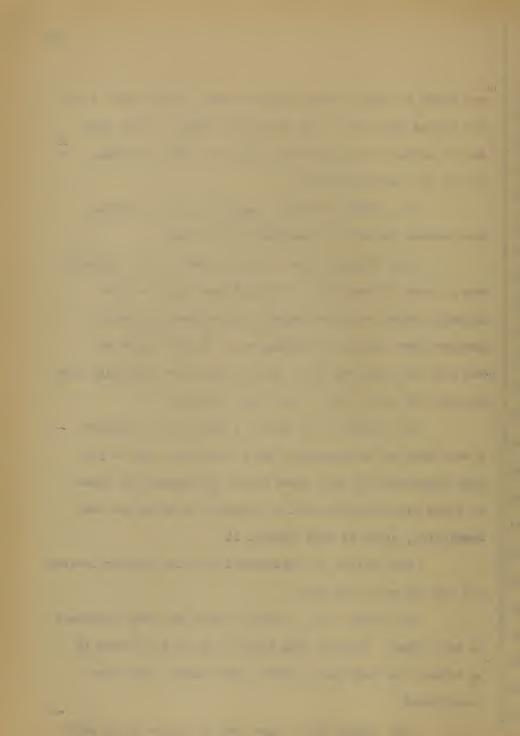
Your suggestion is well taken and as we prepare our plans,
we would give consideration to bringing it up before the

Commission, after we have studied it.

MRS. WILES: You understand that the Aubudon Society did not ask me to say this.

MR. WIRTH: Yes, I realize that; but your statement is well taken. We will look into it and we will bring it up before the Commission, before the boundary lines are established.

MRS. WILES: Let's hope that it will be given good



consideration.

MR. FOSTER: Thank you.

IR. MARLOWE: The day before yesterday, there was a story in the Cape Cod Times. It started out naming persons in the province town area, who desire to obtain a leasehold area. What does that mean, precisely?

MR. FOSTER: Mr. Lee, do you have any knowledge on that?

MR. LEE: Well, under the Act of course, there are

certain elections that land owners have with respect to asking

for turns, and I think it rather improvident to state that

the application should be made in Washington. I think the

application should be made right here, to Mr. Thompson. That is,

the local office that will be handled by Mr. Thompson, on the

ground floor.

MR. WIRTH: You refer to province now?

MR. MARLOWE: Yes, in the province land.

MR. WIRTH: We, of course, have no jurisdiction over that at all. Those are still state lands, and it takes state action to transfer them over to us. We should not get into the decision of that particular thing.

MR. LEE: I can clarify this if you will read the article and tell who said that.

MR. MARLOWE: Well, it said a government official -this was a Mr. Hess, Legal Assistant. He said the state had



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ne authority. It is up to you.

LR. FOSTER: We have gone over the boundary line, back and forth. We thought we were in accordance with, at least, the general wishes.

IR. MARLOWE: This is a state official, giving him an answer.

I have no quarrel with it except one of the top officials asked if I heard about it. I said the first impression that the story made, I think unfortunately, was that almost anyone can apply for the leasehold once it became the province property.

IR. FOSTER: The Chair will take it upon themselves to find out what it is all about. I confess the Chair is in an enigna.

Any further questions?

Mr. Lee has described the procedure with respect to the land within the firing range of Wellfleet. Is that the same procedure they would follow in other towns in the area?

MR. LEE: Under the Act, as you know, the towns will be exempt from condemnation.

"Any property or interest therin, owned by the Commonwealth of Massachusetts, by any of the towns referred to in section 1 of this Act, or by any other political subdivision of said Commonwealth, may be acquired only with the concurrence of such owner."



That was followed in this instance, and what may have been left unsaid there, was that they would require the town to take some action if there was resistance, so to speak.

I don't know of any instance where an Act contains an exemption on a municipal organization or political organization from acquisition where we don't first approach the town.

For example, you might find, as a town, you might like to dispose of that property and be given just return for it.

It will be perfectly satisfactory for us to sit with Mr.

Thompson here, and have it appraised. If you accept it, buy it from us, all right. You buy it from us.

MR. NICKERSON: I was thinking of the condemnation.

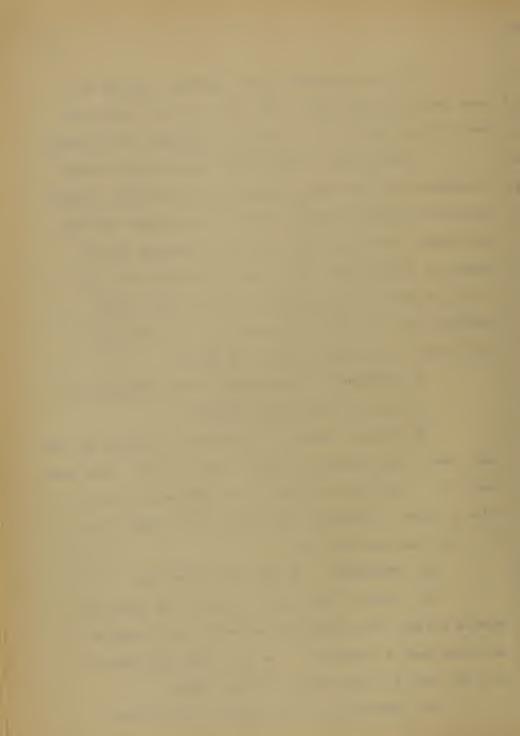
IR. FOSTER: There is no provision condemning the town land there, and according to law, we have no right. They have exempt it. Any time they want it. all they have to do is write a letter. According to law, you have no right to do it -- come and take this out.

IR. LEE: It would not be condemned.

MR. NICKERSON: Do they have to do that?

MR. FOSTER: I will get in touch by one means or another and ask, "Do you want it out or in"; but as far as any other land is concerned, we hope they will give or sell the land; in other places, exchange lands.

MR. NICKERSON: As I understand it, it requires two-thirds vote. The town cannot dispose of local land



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without two-thirds vote.

FR. FOSTER: Whatever your local laws are will prevall, but we have no authority, according to this law; but even if it were not written here ---

MR. NICKERSON: The law reads, with the concurrence of.

It does not say, with the prior assent of.

MRS. WILES: Could I ask a question?

I would like to ask Mr. Thompson, if you will try to cooperate with these people if they do come here and ask for exchange property. Are you going to go along with that?

off track now -- I forget just what I was going to say,
but the question of the exchange depends on whether we
have land for exchange as well as our willingness to do it;
and also, land that would be acceptable here.

MR. NICKERSON: I have one more question, Mr. Chairman, that I would like to address to Mr. Lee.

You said in respect to privately owned land, that if there was no agreement as to price, the redress of course, is through the courts.

Is that the Federal Court?

MR. LEE: Yes. All actions that are instituted for park land will be instituted in the Federal court.



They have three procedures that they can follow.

One, either side can waive a jury or a Commission and let the Judge try it. That is unusual. Most of the Federal Courts are leaning toward the Commission type of proceeding. They have a point. The three Commissioners are, probably a lawyer; probably a real estate appraisor; probably a businessmen in the area. They will sit as a Commission of three. They will hear the cases. The Judge feels for the most part, the theory of it is these three Commissioners can express a more intelligent view than a jury of twelve people picked.

However, you also have a procedure you can use. You can request a jury trial.

In other words, you have various possibilities. It depends on how you proceed in the action itself.

WR. NICKERSON: Any one of the three actions would require concurrence of the other party? In other words, the plaintiff would not have to ---

MR. LEE: No. If the defendant objects -- my understanding of it is this. I would suggest there, you better check locally with Moulten, because Moulten is the Assistant United States Attorney in Boston who will probably be directly in charge of this program in the U.S. Attorney's office. I think, if you find the defendant objects to the judge hearing it, the judge will say, "All



right. We will set it before a Commissioner. If you file an objection to the Commissioner, you can ask for a jury trial.

MR. NICKERSON: The ultimate choice is for a jury?

IR. LIE: The Judge will decide what is to be done. If you voice objections to, first, having the judge hear it, he will say, "All right. I will set it up before the Commissioner." If you say, "I object to having it heard before the Commissioners" in all probability -- I am just giving you the probabilities of the case -- he will say, "All right. We will let a jury try it."

MR. FOSTAR: But it is up to either side to ask for either a Commission or a jury.

MR. LEE: That is what they call a pre-trial decision.

MR. NICKERSON: Something like the pre-trial hearings they hold in cases?

MR. LEE: Right,

MR. FOSTER: The Chair has a question of Mr. Lee.

You made no mention of any time table, when you might be in a position to begin negotiating the properties, or are you currently doing that?

MR. LEM: No, we have not done that yet, Mr. Foster, for the simple reason that we have not as yet had



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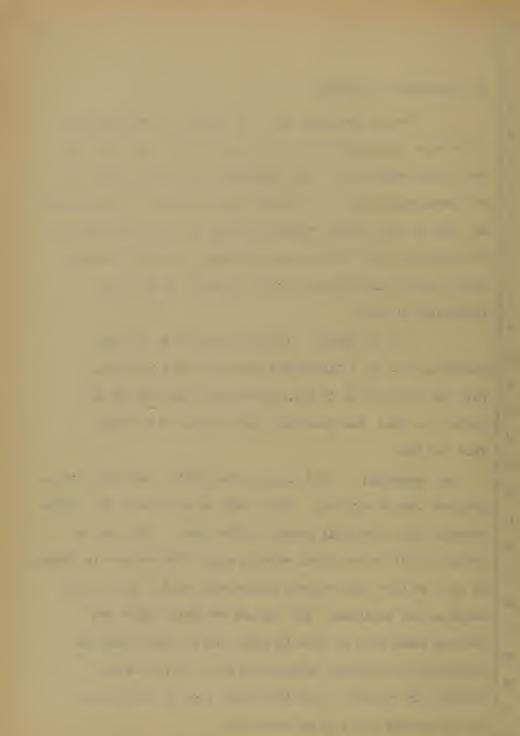
our appraisers selected.

We got the panel now. We think we are going ahead

-- we have not entered into the contract with them for that,
but as and when we do, the Department of Justice asks that
we concentrate first on Wellfleet because that is in litigation
now and we will assign, probably, part of those appriasers to
the property and I would guess, probably, that Mr. Thompson
would start a discussion on that. Maybe I am a little
optimistic.on that.

question, but go a little bit further, and ask if you have any projects as to when sufficient land will be acquired, so that the Secretary can declare that enough land was had.

problem. Let me say this. First off, we would want to acquire certain lands that will round out the area. Mr. Lee is going to talk to you about certain steps that we have up there. We have to have what we call ministerial unit, that is set aside as the nucleous. You can add to that. There are certain lands that we have in mind, and Mr. Lee being the Administrative Officer directly on that, he had better address his remarks to you in another part of the program but my remarks don't go on that part.



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MR. FOSTER: We will let Mr. Thompson out of this now.

Mr. Thompson, of course, is Land Acquisition Officer on Cape Cod.

Do you have anything to add, Mr. Thompson?

MR. THOMPSON: Mr. Chairman, Mr. Commissioners,

since opening up the office last October, the staff has been
assembled there and are now assembling data and gathering
information as to map descriptions, tract descriptions,
and so on.

We have had numerous people come into the office, asking that we list this property for sale. We also had numerous inquiries through letters and telephone conversations. We have listed those in the order in which they have been received. To date, we have approximately 150 tracts that the people have asked that they put on, which they gave us for sale.

That embraces approximately 5,000 acres -- 5,000 odd acres. We have gone to Barnstable County, and obtained the description of the deeds. We also got, in a majority of places, plats of books of 150 yard tracts that had been offered for sale. There are 70-odd that are offered. Now, we have no question about it, as to the description of them; as to the condition of the deed.

There are others that are in very good shape, while

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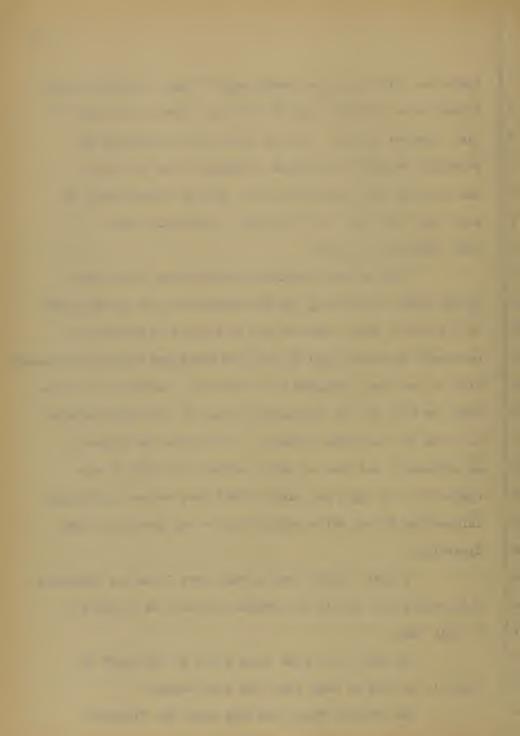
there are a few that are pretty hard to find. You have to go through more intensive search; but as a start, with those 70 land quarter tracts, we hope to set up a priority, an attendant priority opposition, whereby we can block in. and assuming the state-owned land will be transferred, we feel that with that as a nucleous, we probably would have sufficient acreage.

That is our objective in scheduling those acres in the order of priority for the acquisition, so we can round up a sizeable unit, where we can go forward to answer any necessary questions; and Mr. Lee had mentioned that the appraisers will be, we hope, assigned to us shortly. As soon as that is done, we will get the appraisers in and we can start negotiating with the individual owners, to where we can arrive at an agreement, and have an option signed, and that is our approach to it right now; and we feel that we have sufficient information in our office with which we can proceed in that direction.

I don't think there is much more I can say regarding this matter but that is the general picture, as we see it, at this time.

We have a few more to be named to our staff to round it out but we hope that will soon happen.

MR. FOSTER: Thank you very much, Mr. Thompson. Any questions the Commission may have?



MR. DYER: Mr. Chairman, I think I have one question, and perhaps you can enlighten us on that. That is the question of where land construction was started on September 1959, regarding condemnation, and I think some other land is within the area.

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I am just wondering -- there are certain people that adhered right to that bill, and they really made some hardship it would seem, from the standpoint that some of these people that made pretty good money had plans of, in a year or two, building their home on it; people that were going to retire, perhaps, and then this comes out in the bill, and it comes out because the bill was passed of course, and they live right up to it. I think it has caused a hardship upon these people. I know of two or three cases where they paid \$4 or \$5 thousand dollars for a lot, and it was about this time, perhaps, a year ago, that they were going to work and build a home. Now, they are not in a position, some of these people -- his neighbor alongside, has a nice home he built in the meantime, that did not pay much attention to this. He has a hardship case right now. He cannot do anything until he gets some work. He cannot go out and buy a hot meal of his own. What would we do about that?

MR. FOSTER: Any comments, Mr. Thompson, on that?

MR. THOMPSON: In some of those instances, we are investigating to determine if they are actually hardship cases,

in which case the schedule there of acquisition, at an earlier date, so far as continuing the building within the seashore area. In other words, since the early part of December, there were 3,000 issued. Several of the homes that were started, by the time I got there, we have contacted those individuals, and there are ten instances where I know the continuing of the construction stopped; where they had not gone forward. There may be one or two instances that we have not caught up with yet but in the majority of cases, it is slow procedure.

Now, as you mentioned, there are those hardship cases where they have invested money in that particular property and they are not going ahead and building, but we are considering those cases, and if we can get together with those people so that we can get their loan out, and they can go ahead and build somewhere else, we would hope to do that.

MR. FOSTER: Does that answer your question?

MR. DIEHL: Surely.

MR. FOSTER: Any other questions?

MR. NICKERSON: Do I understand, Mr. Thompson, that you said that the acquisition of the state owned lands was a prerequisite of the discussion to be followed in the seashore?

MR. THOMPSON: I would not say it is a prerequisite.

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It would be very helpful if that acreage would be so acquired, or transferred, at a very early date, then if you block in, to the south of the State land, it would just mean it would take that much more time in order to acquire an equal amount of land to give us a substantial acreage that would be considered as useable units.

IN. NICKERSON: The position of the County Government is to seek, from the Government of Massachusetts, assurances that the conveyance of the state-owned lands will be postponed until after the various involvements which are now in progress have been completed, for the purpose of determining whether there should be any stipulations, and if so, why, for the protection of the Commonwealth, with respect to these lands.

Now, the situation is such that it is my opinion, assuredly, that the state-owned land will be transferred.

The only question is the timing. There may be some exceptions or minor involvements but in general, those state-owned lands will be undoubtedly transferred to the park.

So the question in my mind is that if the Federal Government complies with the request of the County Government, the effect that this postponment will have, if they postpone such action until this survey has been completed. Does that mean that the establishment of the park will be postponed until the actual acquisition of the land from the state will be accomplished, with the knowledge that there is almost a

certainty that they are going to be acquired?

MR. FOSTER: Mr. Wirth, would you like to take a crack at that?

MR. WIRTH: The only way I can answer that is this.

We certainly will take that into consideration. We have to have a sufficient unit, or get to the point where we are assured of sufficient unit, to justify a request for funds to go ahead with the improvements, and to do it within the scope of land, so that what what we do -- for example, suppose we have 150 acres here, completely surround by private land. It immediately reflects our entire valuation around it. We feel we have to have a reasonable thing to present.

Now, what that is, it would be almost impossible for me to say here, and it is the kind of thing that we would want to talk over -- this Commission -- when we get further along.

MR. NICKERSON: The state-owned lands are entirely off by themselves. They are not in the midst of other land, except I think, some privately owned land, but not large apartments.

MR. WIRTH: That is right.

But one of the subjects down here is the master plan. We would like to do with this Commission; what we propose to do; what we have in our mind to do, is to proceed with our proposed development and units, on how to best use the land to preserve and protect it. Then come up with what

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lands are necessary first, in order to actually establish that, although we will take over the protection of any lands that we do have.

IR. NICKERSON: My point was simply this, I think.

That it would be highly desirable if the park could be established on the assumption that this land was to be conveyed without necessarily waiting for the actual conveyance because this may be delayed.

Now, Mr. Foster's capacity, as a State Officer, would have a different opinion, but my opinion is that it is quite possible that the actual turnover of the state land will be delayed until later this year -- possibly even beyond that -- but I would think later in the year; later in this year.

IR. WIRTH: The calendar year?

IR. NICKERSON: The calendar year.

This calendar year; so that the problem there is not of whether the Federal Government is going to have these lands. I feel confident they will. It is a question of when.

IR. WIRTH: If we had that assurance, that they are definitely coming, and the time table is a little uncertain, I think that would make a big difference.

TR. NICKERSON: I am speaking now as a member of the Advisory Commission to the County Commissioners. If.

McNeece is also on that Committee. He can confirm or not, my impressions, which is that there is no objection on the part



of the County Government, to the turning over by the State the province land or the building fringe lands in general.

The County's position is that the timing of it should be such that if there are stipulations that are vital to the County's system, or to the Town's system, they may come to light with this thing, with stipulations. One of the obvious ones is mesquite control. It is a stipulation they should be allowed to go in and do their work, which they were denied for a time by the Wildlife Service at Monmouth.

IR. CHILD: When will a report be furnished?

IR. THOIPSON: I would like to refer that question to Mr. McNeece. He has more recent information than I have.

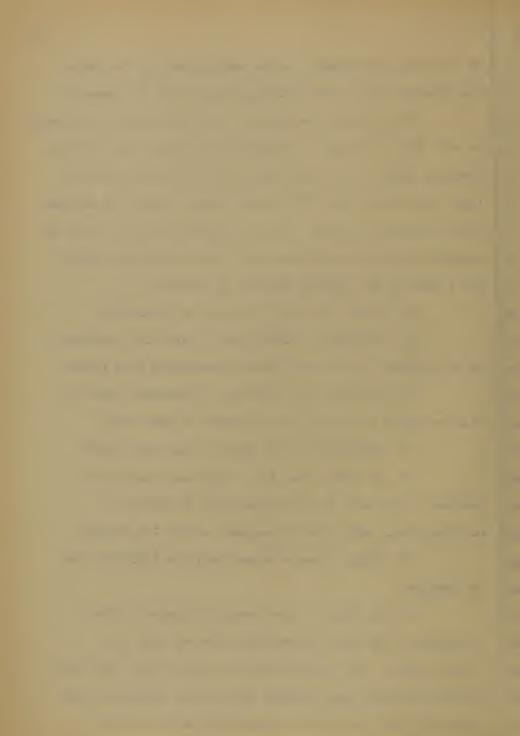
MR. NC NEECE: Mr. Chairman, I understand that it will be signed and sealed by the middle of next week.

IR. NICKERSON: Do you mean the national funds?

IR. NC NECE: Yes, sir. This has been held up
because of the need or the desirebility of obtaining
matching funds under the 801 program, or the 701 program.

MR. CHILD: When a report would be finished, was my question.

IR. MC NAMECE: I was trying to arrive at that conclusion. The Blair Associations proceed only to a certain point. The county proper has \$25,000 and under this Federal matching funds program, the Federal Government will only match that part of the funds which have not been



expended. It did not seem wise to proceed beyond the 5,000 mark because beyond that, every dollar that you spend, you are losing \$2.00 or so of matching funds. There has been a drag in getting this program actually through but on the information which I obtained yesterday, this will be completed next week.

The Blair Associations said that from the time that they began their study, they would complete it within nine months. As far as the impact on the lower Cape town is concerned, as far as the study as it affected the whole county, they expected it would be a matter of a year. I think it is very vital therefore -- I assume that this was going to come up further on, in the agenda. I think it is very vital, therefore, that the planning which is being undertaken by the county to determine the impact of the National Seashore on the economics of the various towns, to coordinate the planning of the various towns with the Mational Fark Service, as far as entrances and exists and locations of various facilities are concerned: I think that it is very vital that the National Park Service and the planning agency and the county work very closely together on this program.

Of course, it is a concern of all of the towns on the Cape, but most particularly, the lower Cape towns, but the end result of the establishment of a National Seashere may not be that one section of the lower Cape will be pre-

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preserved in a natural, beautiful condition, but the rest of it be unsightly. There must be adequate zoning for the design of traffic flow, and so forth.

So it is hoped that all of this is going to mesh; that the actual declaration of the establishment of the seashore will come after all of this planning has been done.

IR. FOSTER: The Chair can, perhaps, contribute something here.

I cannot speak officially for the government, but I can report what has been under consideration in recent weeks.

Quite obviously, the point of the County Commissioners is well taken, that the recommendations, at least in tentative form, of the Planning Associations, should be available before this question is resolved; but I am certain that the Government would like to place the matter of the province land and the Pilgrim Spring Park before the current session of legislature. I suspect he would entertain a postponement of that matter until such time as the planning information came to be available; but it has been his intention right along, to have this matter considered by the current session of the general assembly.

IR. NICKERSON: May I add something to that?

This is a personaly opinion on my part. I think this presents an opportunity for the Park Service to make a

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terrific case for itself in its public relations by joining with the county government in trying to achieve a coordination of its planning with that of the county government's planning and working with the governor to the point that such action as he may recomment to the legislature, at this time, in this session, would be coordinated with the mutual ends of that.

Now, this is a little tricky; a little complicated. I appreciate it, but it seems to me there is a terrific opportunity to build up a local acceptance. Just how, I don't quite know.

IR. WIRTH: I would like to address myself to that, Mr. Chairman.

MR. FOSTER: Mr. Wirth.

the fact that the county is doing this and I can assure you that they would be very glad to tie in our thoughts with their thoughts; make them available so that their planning for the overall has our thinking, Whether they actually accept it or not is another thing, but as far as our planning, we must do it as quickly as possible, because it is important for us to move on it, as we acquire it, as soon as possible, in detail. We would like very much to establish that relationship with the county and with the towns, and the zoning, and everything else, so that when we come out, we are hopeful we have one pattern and one plan that, at least, we can all accept.

Whether we agree with all the details or not is really a minor thing because a lot of those details change from year to year as progress changes.

IR. NICKERSON: I would like to answer Mr. Child's question a bit further, as to the timing.

This bill was signed on the 7th of August, 1961.

On August 8, 1961, because of the advanced planning of the

County Commissioners and the Advisory Committee, a contract was

signed with the Blair Association. It was contemplated at this

time, that this section, involving six towns, would be completed

within nine menths from that moment.

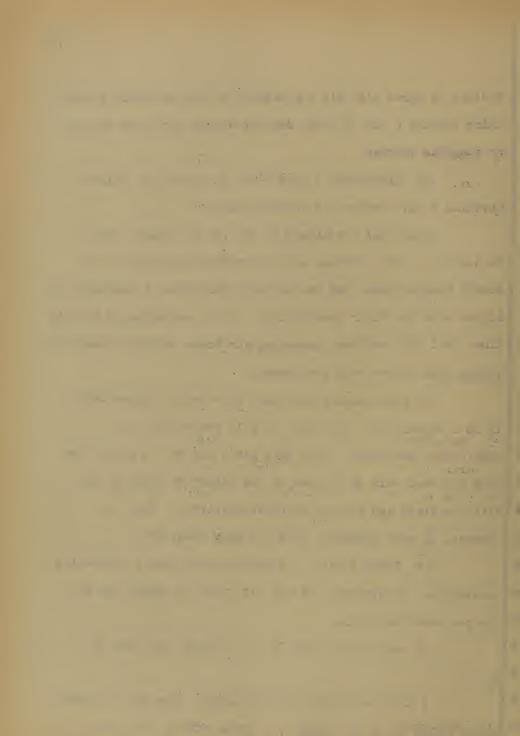
It subsequently developed there was an opportunity to do a better job. That was the sole reason for this development and delay. They were ready and set to go but the work has been held up because of the desire of tying it in with the State and Federal Agencies involved, That is correct, in your opinion? What you know about it?

IR. FOSTER: Yes. I think this has been a worthwhile discussion. We strayed a little bit from our agenda but we strayed constructively.

We now come to Item No. 5, I think, and part of

I think we should turn to another item on the agenda which I know is on the minds of a great many of the towns involved in the seashore. That is No. C. The question of

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zoning standards and the question of timing, as far as town meetings are concerned.

I understand Mr. R. F. Lee, who is the Regional Director, has some comments to make on Item 6.

Mr. Lee.

IR. LET: Mr. Chairman and members of the Commission,
I will be happy to make a few comments on this. Mr. Wirth
may have some observations in addition.

I know that the towns are all very much interested in this because obviously the issuance of the zoning standards where the procedures require clearance by Congress, and by the town meetings, and through the States, is going to take some time. And we are very much interested, too, in all the owners of improved property. We are naturally very much interested, because this has a direct bearing on their status.

Now, the National Park Service, through the Washington office principally, but with some cooperation from the regional office, has prepared a set of guide lines which the law requires and those are ready and are here for distribution to the members of the Commission, and I read them in their present form, for the first time, last evening, and was agreeably pleased with it. The impression I had was that they are quite simple and direct, and I believe there are -- or may well be -- points in them that will need an adjustment.

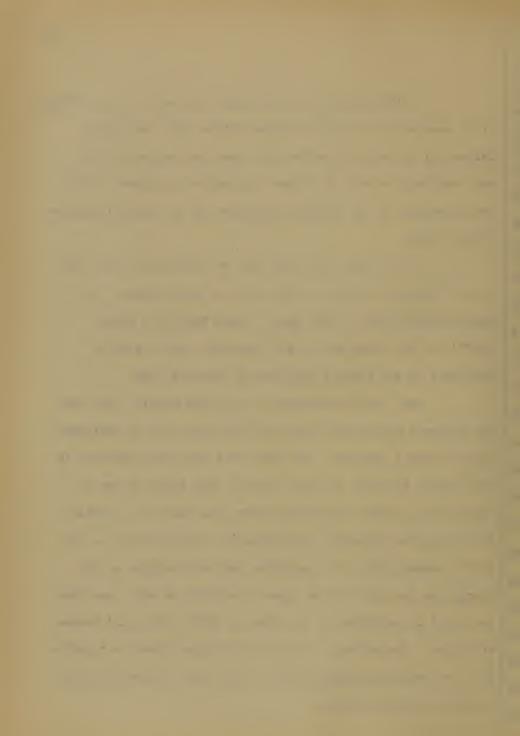


I think they have a very good approach to the problem. It is necessary to get this natter before this Commission, before all of you, and before the towns and before all who are concerned as well as before the public in general, which the Secretary of the Interior endeavors to do with all natters of this kind.

It has been concluded that we would pass these out to the Commission today and they will be sent within, I am sure, within three or four days -- next week, Er. Wirth says -- to the towns and to the Congress, and it will be published in the Federal Register at the same town.

Now, the law requires, as you may recall, that both the proposed regulations and the final ones will be published in the Federal Register. The fact that they are published in the Federal Register is only a notice that there is now an opportunity to make comments on them, and there is a period of 90 days for comments, and thereafter, they will be -- all of the comments will be considered and such changes as the Commission and the Service agree upon shall be made, and then they will be published in the form in which they would become effective. Thereafter, the towns would have these as a guideline for drafting zoning measures that would conform with the Secretary's requirements.

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 I don't believe there will be too much to be gained by going through these in detail. I might mention that they do provide for a seashore scenic shore and for a seashore historical zone. In fact, there are three historical zones.

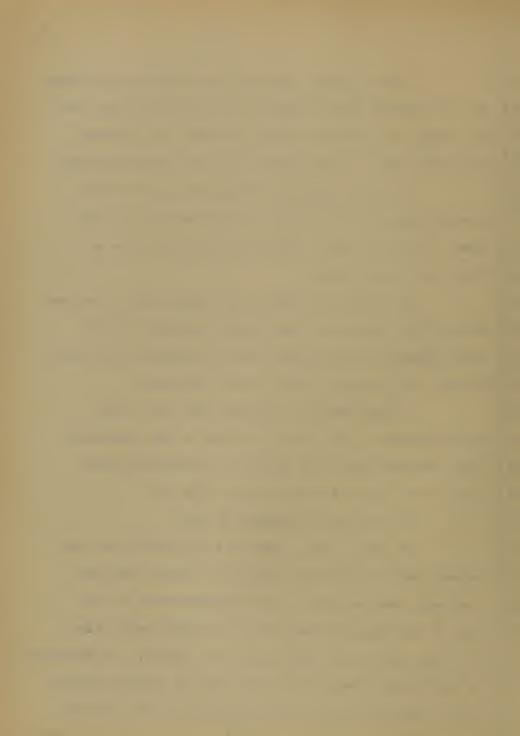
I am sure before the 90 days are up, we will be meeting again, and we will have an opportunity to go over them. I will be happy to answer any questions I can on this, or related matters.

MR. FOSTER: The Chair would suggest that we perhaps not go in any details on these zoning standards but make this, perhaps, the preliminary order of business at our next meeting, to give you a chance to look over them.

I think there is a question, Nr. Lee, on the timing involved. Am I correct on that, in that presumably, these standards have to be adopted in satisfactory form, prior to the one year from the date of the Act?

Do you have any comments on that?

raised, and it is important and it is a serious question, obviously, because under a strict interpretation of the law, if the zoning measures are not in effect by the time of a year has expired, that is, by next August 7, the Secretary of the Interior presumably is authorized to condemn property that is not protected by these standards; but the Secretary has recognized that there is a problem in the letter, I think,



to the Commissioners of Barnstable County, and I don't have a copy here.

IT. HICHARON: I have a letter I received yesterday from the Secretary. Would you like to see it?

MR. IEE: I think it would be halpful.

IM. NICHERSON: This was written on the 15th of January, and copies of my letter were sent to each member of the Commission,

"Can you give me, as a member of the Advisory
Commission, any assurances that the Secretary
vill extend the August 7, 1962 time limits
sufficiently so that there will be time to
carry out the other provisions of these sections
before the Secretary's authority to acquire
property by condemnation takes effect with respect
to a through property?"
That is my question.

His letter, which I received yesterday, dated February 13, reads as follows. That is his signature, so apparently, it was a top level decision.

"Dear Mr. Nickerson:

We recognize, as you have mentioned in your letter of January 15, that it will be difficult or even impossible for local governing bodies



"in the Cape Cod area to enact acceptable zoning bylaws prior to August 7 of this year, on which date the one-year suspension of the power of condemnation automatically terminates with respect to improved property in the Cape Cod National Seashore area. "This Department does not believe that it would be appropriate now to agree to an extension of the time for a stated period beyond the August 7, 1962, date set forth in section 4(b)(1) of the act of August 7, 1961 (75 Stat. 284.) However, the National Park Service does not plan to act hastily or arbitrarily in the matter and certainly does not intend to commence commendation automatically after August 7 against owners of improved property as that term is defined in the act. Our wish in existing circumstances is that local authorities proceed as rapidly as possible with the enactment of adequate zoning bylaws. If this is done, the situation you mention will be considered sympathetically.

"We are gratified by your interest in the Cape Cod National Seashore project and are looking forward to working with you as a member

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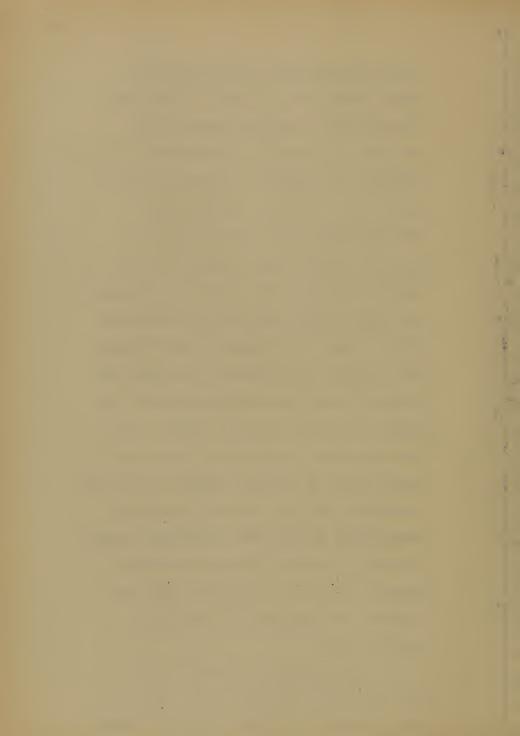
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"of the Advisory Commission.

Sincerely yours,

/s/ Stewart L. Udall

Secretary of the Interior."

Now, in my opinion, the critical sentence is this one:

"Our wish in existing circumstances is that local authorities proceed as rapidly as possible with the enactment of adequate zoning bylaws. If this is done, the situation you mention will be considered sympathetically."

The existing circumstances are, as of February

13, there would be regulations. As of next week, the regulations
will be printed so that changes the circumstances.

MR. WIRTH: May I address myself to the subject?
MR. FOSTER: Mr. Wirth.

IR. VIRTH: We often run into a problem like this when a definite time is set, within a recent legislation and you have organization problems, before you can get down to do certain things. There is no intent on the part of the Department or the Service to be arbitrary and to set an arbitrary date. We have proceeded as rapidly as we can with what we have here in the zoning statute.



We have even gone forward with the issuing for publication in the Federal Register, without discussing it with the Commission, just because we felt time was of the essence, and we ought to get them out so they can be considered.

We have had considerable experience in the past, at least some of us, in this professional field, of the time it takes to get zoning considered by the public; the machinery that has to be set up by local communities in considering zoning. It is not an easy job. It is not a question that the town fathers can sit down and resolve, and say, "We approve this." They have to hold a public hearing. They have to consider those things. Zoning is one process that is a community activity; perhaps more than any other form of government because everybody has an opportunity to sit down and talk over how they want their various properties to be protected.

So all I can say here, at this time, that the Secretary meant there was that we want you to have a reasonable time consider. We have framed something here as the first draft, to look over and to talk about and we are not asking for your opinion now. We jumped the gun by going and printing it before even meeting, so we would have it rolling, and have a decision as to what the final decision of the Secretary will be. It will not even be considered by the Secretary until after

the 90 days because it is open for discussion at least 90 days, according to law, and after that, then the various representatives would have to be considered by the Secretary before he makes a final determination.

well put and the question is brought up. I hope the Secretary's letter was satisfactory. He could not say, "We will extend it to January 7, or February 7 of next year," or six months, or two months, because it would be just as hard to do that as it would be to try to work it out; but I will say this: That there will be no -- I can go on record with this. I can safely say there will be no final decision made until at least, we have had a meeting, a discussion, and we have notified you that we are going to make a final decision, and what time we are going to do it.

IR. NICKERSON: May I make a suggestion, Hr. Chairman?

IR. FOSTER: Mr. Nickerson.

IR. NICKERSON: I recognize that you cannot predetermine a date but it would be practical, would it not, when this proposed -- these regulations are transmitted to the Selectmen of the various towns, could the Park Service write a letter accompanying this, which would say in effect, that with respect to improved property as defined in the



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Act, that, provided no substantial changes were made in such improved property by the owners thereof, they would not exercise the power of condemnation pending a reasonable time allowance for the carrying out of these necessary steps for the accomplishment of the division of the law.

IR. WIRTH: I don't see why we cannot do that.

IR. NICKERSON: What I am thinking of is that this letter, if it were sent to the Selectmen of the various towns, would allay these fears which are probably more imaginary than will ever develop in fact, and yet, it would build confidence in the communities, as to the way it will be handled.

MR. WIRTH: May I say this, Mr. Chairman.

We will be only too glad to do that, and I think it is agreeable to the Commission that we say that, at the request of the Commission, we have taken up this matter.

IR. NICKERSON: To follow on that --

IR. FOSTER: May I ask anyone if they have any objections to that procedure, if they would so indicate?

Hearing none, I would presume this is the wish of the Commission. I think it is an excellent suggestion.

IR. NICKERSON: May I add one thing; that would leave the Department of the Interior completely free, if somebody owns improved property and started to get funny, with them, so long as they did not do anything of a sub-



stantial nature to the improved property.

MR. WIRTH: A very reasonable request.

one step further and suggest that no action be taken relative to this part of the Act in establishing such regulations, until such time as it becames a part of the general plan study that is nade, so that if it becomes necessary to make any alteration in the zoning ordnance of the various towns, as a result of the Secretary's requirements, they can coincide with whatever alterations we may be advised to make by the Blair Association, which means in effect, that we will be accomplishing all that is necessary, as far as zoning alterations, with one meeting and perhaps two.

NR. FOSTER: The Chair could perhaps offer something on that.

Commerce at the State level, at my suggestion, has put several men to work to go over the existing zoning by-laws in the towns that are affected by this Act, in relation to the tentative standards that were submitted sometime ago and it has been the feeling of those professionals that only relatively minor changes would be required in most of the existing by-laws to cover the objectives of the seashere.

IR. FOSTER: Excuse me just a moment.

MRS. WILES: Mr. Chairman --

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 With the exception of these places, such as historical sites, this would be something entirely new; but in terms of basic ground, most of the towns would conform rather closely with what we have in mind.

There is a reservoir of assistance that is available and ready, in addition to the assistance offered by the Blair Associations, who assist towns in drafting any of the necessary changes that would be required.

Vas only this last week -- Thursday -- no, Wednesday -they did have some zoning or planning laws up for consideration
by the town but they also voted at that meeting, that they
vould seek professional help, and so the town turned them
down. I mean, turned down the plans, thinking it was rather
useless for them to vote on a set of plans; then to seek
professional help and have to rescind all of those, maybe,
and put in a new set. It is going to take some time to make
this survey and to come up with the plans.

IR. NICKERSON: This subject, Mr. Chairman, that we are talking about, applies only to improved property as defined in the Act, if I understand it. It would not interfere with any other acts.

IR. CHILD: Can you change the building zone, other than with a town meeting? It has to have a two thirds majority.

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IRS. WILES: Yes.

MR. CHILD: It has to be a regular town meeting.

IR. FOSTER: No, it can be a special meeting.

MR. MC NEECE: It depends on your by-laws.

IR. NICKERSON: It would vary from town to town.

IR. FOSTER: I believe this is governed by state law, is it not?

IR. MC NEECH: No. The town governs that by their own body.

They may amend their by-laws, either at a special or an annual town meeting.

MR. FINLAY: How about the two thirds.

MR. MC NEECE: That is statutory.

IF. ROSTER: Any other questions on this question of zoning standards; recognizing that the bulk of our attention will have to come at the next meeting.

Thank you very much, Mr.Lee.

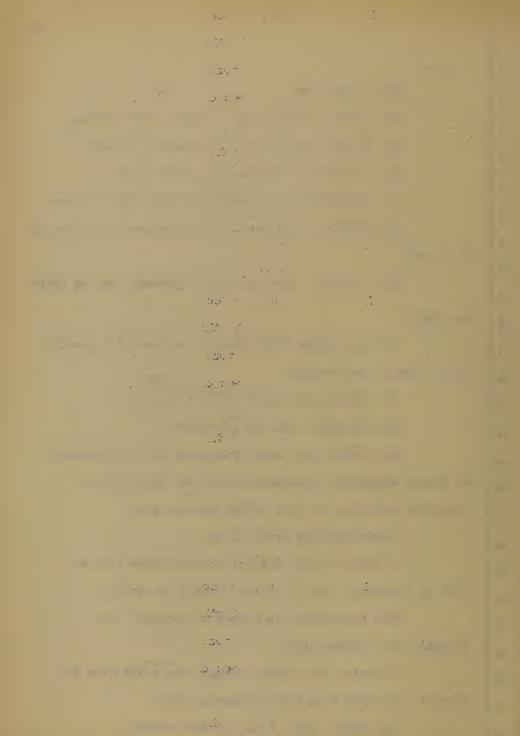
I think we have several other matters that we need to consider. Item No. 7, we touched on already.

The importance, in degree of progress, in relation to a Master Plan.

I wonder, Mr. Wirth, whether you would like to comment any further on that particular item.

IR. WIRTH: Well, I do, to this extent.

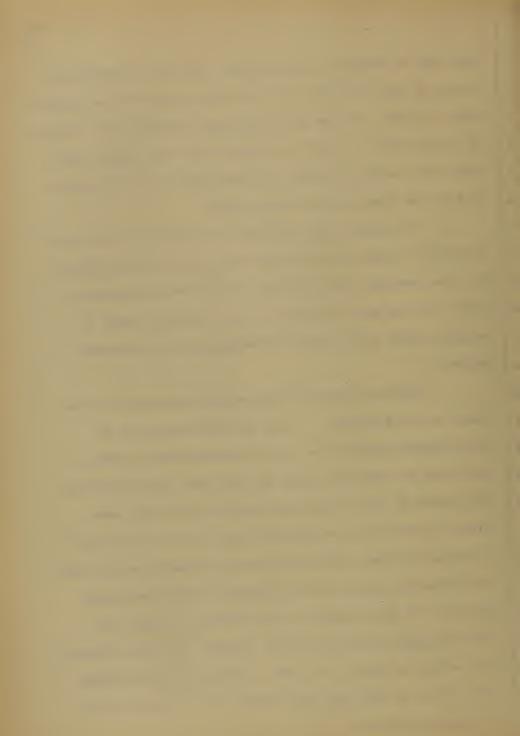
I don't know whether you people are thoroughly



with what we consider a master plan. We take a considerable amount of pride with the fact that as an agency of the Government, at least, we were one of the early agencies that started on master plans. In fact, we have a hard time finding somebody prior to 1917 or 1918 that ever used the term of master plan in the lines we are talking about.

Our master plan consists of a series of sheets and descriptive matter which outlines details of the development and also describes the objectives of what we are proposing to do with the area and why we do it. In other words, a complete story of the overall development of the proposed project.

They are maintained and revised constantly as the change in times require. A copy is always kept here in the Washington office; one in the Superintendent's office and one in the Regional office and they are always available for discussion and checking and explaining the park area; official park limits, or something else; to go to the field to discuss problems, which are usually discussed over the map, over the master plan, and such changes as might be thought desirable are then written up and circulated through the proper channels to various people involved, and the different types of use of land, to those in charge of the different types of use of land and consequently, it is kept up to date and altered from time.



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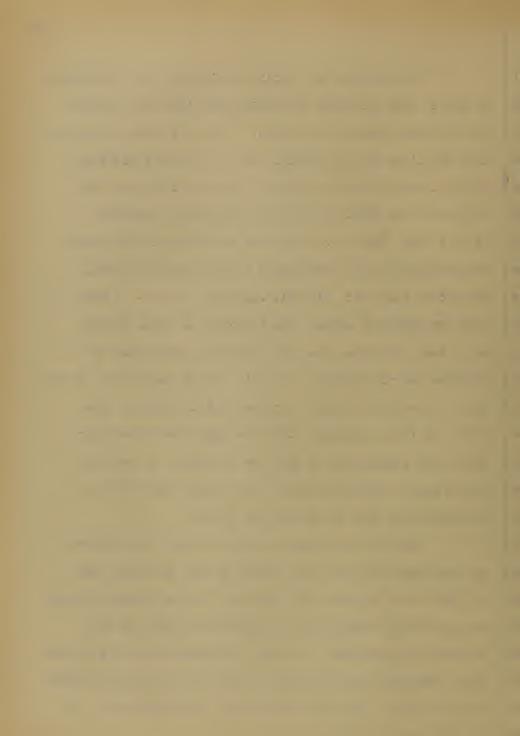
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We use that as a basis of submitting our submittals. We try to work our scale of development, like Camp grounds, and so forth, based on that plan. As we get money, then we go into detail in that particular area. We have started on that, as you all know -- some of you -- that we have had parties in the field on measuring of historic buildings at Cape Cod. Those are key points that must be taken into consideration in any development and we have made those, because we feel that historic buildings, even -- I mean -that are privately owned; the recording of those should be in some archives. They are placed in the Library of Congress and placed there. That is already under way. We are making some basic studies. and we will be bringing those plans and those programs, which go under the master plan, before the Commission, as they are developed, to keep you posted and to discuss with you the various phases of it -the reason why this is in and this is not.

That does not mean, because we lay a plan before you this time, and and make studies on it, that that plan is going to be changed, but when that plan is changed, it may come before the Commission -- something may come up that requires an alteration. We have a statement here that we use quite often for our own manual, I might say, and also emplain to you people, just what our master plans consist of. It is brief. It describes what it is.



I thought, Er. Chairman, that I would have these processed, which I have, and I thought I might distribute it so you can take it home for reading matter, to get you acquainted with the way we are proceeding with our planning. I will say it is only three or four pages, but it does give you an insight of how we propose to tackle our problem of planning of this area. As I say, as your meetings are called from time to time, we will bring phases of this, as we develop it, and gradually, the puzzle, the jig-saw puzzle, will fit in together, and we will come out with the overall composition. With that thought in mind, I would like to distribute these, if you can just pass them down, so that you get some idea of how we are trying to tackle our problems.

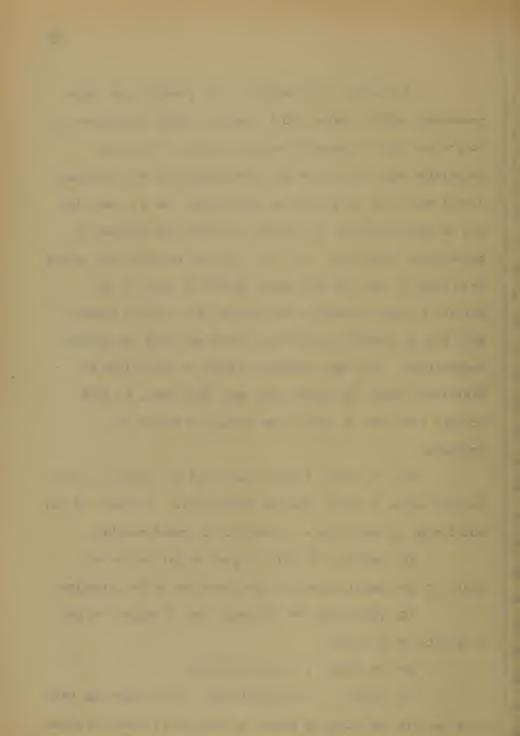
MR. MC NEECE: I would just like to suggest, I just paid 55 cents, I think, for the 1960 report. I think, if you could make it available -- I admit it is great reading.

MR. FOSTER: We will be glad to get copies of that, of the Annual Report of the Secretary of the Interior.

MR. NICKERSON: Mr. Chairman, may I suggest he get a credit for 35 cents?

MR. MC NEECE: I am only kidding.

MR. WIRTH: I will tell you, I don't know any way, cance he puts the money in there, he can get it back out again.



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We will send you another, copy, however.

FR. NICKERSON: I understand the Rockefeller

Committee has just made a report. In that report is a reference
to the Cape Cod area. Do you know about that?

MR. FOSTER: No. sir.

MR. NICKERSON: It is not applicable. It is the Recreation Resources Review Commission. It deals with the overall problem of parks and recreation at all levels. It does not make any particular areas, except, maybe, as an example rather than as a thing to do; or whether any should be established or not. It also recommends the establishment of a special bureau of a grant-in-aid for the planning of parks and recreation areas throughout the United States, and all levels of the government, like some of the states have dals in various forms; like New York has done and New Jersey has done; Wisconsin has done. This would be a Federal aid in over-all state planning, and planning plus a grant of funds, perhaps, on a matching basis, but I think more detail on that will be coming out in the next session of Congress. At least, we are all standing by with bated breath to find out what is coming out in connection with that, as to the Administration's attitude but I know they are not interested. Just how far they will go, I don't know.

IR. MC NEECE: How can we get copies of that report?

IR. FOSTER: I think I can answer that. I believe



the report is totally out of print at the present time.

I talked to the Executive Lirector the other day and reprinting is in order.

IR. WIRTH: I will say, we got a total allotment of fift; copies to the National Park Service, and that is not very many but if I can get some, if we can get some, I will be very glad to send each member of the Commission one.

NR. FOSTER: Are there any questions on this master plan program, without getting into details?

Mr. Wirth, do I understand that the terms of progress in the historic building portion is the only part that is really under way, or have you made substantial progress in it?

IR. WIRTH: The historic building survey is applicable, whether the sea shore is there or not. So we took advantage of the fact we were interested in the seashore, and we go back in there this year. We will try to finish up in two years. We are attempting to go up there, or are up there, at the present time. Do you know, Ronnie?

MR. LEE: The Master Flanning Team have it up on the details. They are back in Philadelphia. They will be returning to the Cape from time to time to continue their studies. There is a landscape architect; an engineer; and an architect. They are now working on a preliminary analysis

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and will follow that with others; then the H.A.B.S. team, it is hoped they will be up there in April, although it seems a little early to me. Some of them are college students.

MR. FOSTER: What do the initials mean?

MR. LEE: That means the Historical American Building Survey. It has been running for 26 years now, off and on.

MR. WIRTH: The way we operate that, by the way, is usually through the University, by providing funds, and we usually get the professor from the architectural school and they have graduate students, who are seniors, who team up and go out and make these surveys, and we get the benefit of it at a reasonable price, and get more for our money; and the American Institute of Architects has teamed up with this, so we have a joint project which is coordinated by the National Park Service and the American Institute of Architects, in selecting the building.

MR. MC NEECE: I just wanted to ask for the definition of a historic building. That is not an original Cape Cod cottage? Does it come within the meaning of historical today?

MR. WIRTH: I am not a historian.

MR. MC NEECE: You have a historian, I think, standing right by you.

MR. WIRTH: He is an ex-historian. I might say here, here is our master plan. We have the original plan here.

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This is the way they go in some detail, in the change, and so forth.

The Cape Cod master plan, as it stands to lay, that is the kind of thing that will govern and it will be available on Cape Cod as we develop it, for review, and anybody is welcome to look at our master plan. They have a right to it. It is the way we proposed to do it. We don't know whether it agrees with us.

We want to know what we are trying to do.

MR. FOSTER: Are there any other questions on the Master Plan Program?

If not, I think we can move on to Item 8, which is again, I think, the subject that concerns a great many members of the Commission. It is what sort of Information Program is planned for the coming year, particularly with relation to people who might be wishing to visit the National Seashore.

Mr. Lee, do you have any comments on that:

IR. LEE: Well, I think here is where one of the

numerous creas are, in which we need the advice of the

Commission.

George Thompson sent in to me a few days ago,
a postcare that has been published, and it is now available
on the Care, which reads: General boundary map of the Cape
Cod Natural Seashore,

It shows the whole area. I don't know how many

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have seen it. Have you seen it?

MR. FOSTER: I have not.

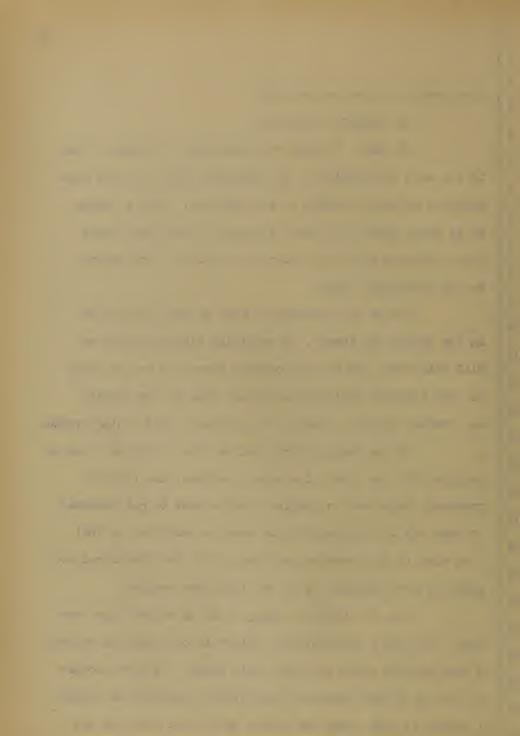
MR. IEE: I think you could pass it around. This is the sort of material of the business that is on the Cape and that is what is shown on the postcard; what is going to be built there. We don't own any of this land except Camp Wellfleet and it is going to be quite a time before we own additional lands.

One of our problems is what we are going to do
in the spring and summer, in receiving visitors; what we
will tell them; how we will channel them; how we are going
to work together during this period, when we are meshing
our various programs, such as the proposed land zoning program.

We are keenly aware that we have a problem, and we believe that the towns also have a problem, and private property where have a problem, and we want to get together a some way of tackling this as soon as possible, so that I am sure it is a problem out there, but its dimensions are going to grow rapidly, as we get into good weather.

Now, Mr. Gibbs is going to be up on the Cape very soon. We have a publications officer in our regional office, a very capable young man named Bill Brown. We have another man who is a good naturalist and writer, named Myron Sutton.

I intend to send those two people up to work with Bob and the people of the Cape on some sort of program of public



information, but any suggestions that any of you have will be very wellome.

IR. WIRTH: Are there any suggestions? This is a good group for suggestions.

IR. NICKERSON: I have a suggestion. This is a subject which is going to take a lot of time for discussion. I suggest we put it at the top of the agenda for the next meeting of this Commission and have the next meeting as soon as possible.

MR. FINLAY: The Cape Cod Chamber of Commerce should be brought in this, with their publicity.

MR. NICKERSON: Ferhaps they should be invited to attend that session.

M?. FOSTER: I believe that is a good suggestion; and have the representative of the Chember meet with us at our next meeting.

1: that agreeable with the group?
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MR. MALCHMAN: I have a memorandum from Mr. Boyle, who is the trustee of the largest private property that is going to be taken over. He has already written through the Commissioner to the Inspector. He has suggested that notices be but up in all Post Offices, that the area has not been deplaced a park as yet, and the private park area should be re-recommended. He asked me to bring it up at this

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meeting.

MR. JEE: It is an important question.

THE CHAIRMAN: Mr. McNeece.

MR. MC NEECE: The report of this meeting, I imagine, will be given wide publicity in the press.

I wonder if there might be an opportunity at this time, to put something into that publicity that would be effective in notifying the American public not to expect too much too soon.

MR. FOSTER: It seems like a good suggestion, as far as I am concerned. If that is agreeable with the Commission, we certainly can attempt to put that point across.

MRS. WILES: May I have that again?

MR. FOSTER: The suggestion made by Mr. McMeece was that in any publicity given to this first meeting of the Commission, perhaps some emphasis should be given to the fact that the Seashore is not yet sufficiently established. So perhaps, in the first official release from this group, we would make mention of the property.

Is that agreeable.

(Ayes.)

IR. DIEHL: Hr. Chairman, when we go back to the Cope, I feel certain that we are going to be asked by the various reuspapers, and so on, what went on and so forth.

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Is there anything that goes on here, that would not be permissible to give them? Can you give us a general outline of that?

FOSTER: I believe we will have to give that some consideration after we finish with this, in terms of how to handle it; who will speak for us; and how, as individual Commissioners, we can handle this obvious problem, and I believe we should ge : into it, but perhaps we better finish this item first.

IR. NICKERSON: We assume, as a premise, that there will be no facilities for the national park in the summer of 1962; or should we assume there will be limited facilities?

> IR. LEE: I think the latter will be an assumption.

Now, we have among ourselves, been talking about the possibility of an information station somewhere, at a strategic location, where as many people could be served as That might involve some special arrangements with one or another of the towns, to find a location that would serve the purpose. We will of course, have acquired Camp There are problems in putting Camp Wellfleet to use this summer, because it was used, as you know, as an anti-aircraft base, and there are problems. I think the Army call: it decontamination, that will still have to

solved. Now, if those were solved, we might be able to

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able to direct people to a point where we could have a little elbow room and a little parking space, and some exhibits in which we could inexpensively, but I would hope effectively, get across a little, the idea of the status of the park.

We have been thinking along that line but we have not arrived at a plan.

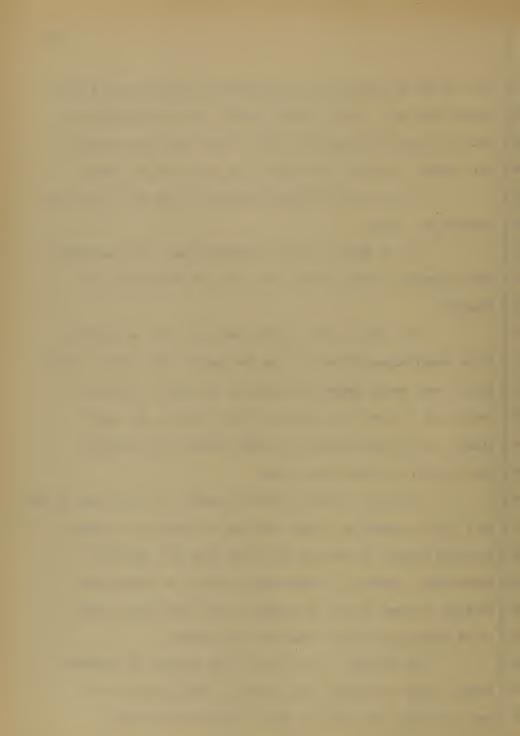
NF. NC NEECE: Are you contemplating any facilities for the public to use, other than just the observation of things?

AR. LEE: We have talked about that but we arrived at no conclusions whatever. Our own master plan work is still in its very early stages, and this is the kind of thing we would like to have the benefit of your thinking on; and I think, at the next meeting, we could advance our ideas of what would be a good thing to do.

In fact, I think we would attempt -- if you want to put that on the agenda in a high location for the next meeting -- we would attempt to come in with some kind of a plan for discussion; perhaps a publication, perhaps an information station, whether we are or whether we are not going to try to do something at Camp Wellfleet this summer.

MR. FOSTER: The corps of the Chamber of Commerce there, would be helpful, very helpful. They contact how many thousands of people in their information stations?

Something like 50,000.



MR. WIRTH: I would think so.

Well, I believe that offer would be very acceptible, at least to the point of discussion for our next meeting.

I think that would help the Commission a great deal.

Are there any other comments on this question of the information program.

Chamber of Commerce led me to ask if any consideration can be given to multiple Chambers of Commerce? There is some feeling that the Cape Cod Chamber of Commerce operates primarily for the benefit of the Cape area, rather than the lower Cape area. There seems to be rivalry there and I know, in the case of individual groups, there are a couple of the other members on the group that might be of some value when you people distribute that information.

I know this process, about 15 - 20 thousand pieces a year; and also all inquiries to the Chamber of Commerce.

MR. DIEHL: Might not the local Chambers of Commerce send an individual representative from each of the groups?

MR. WIRTH: I wonder whether, as a Commission, we should not consider this question ourselves, perhaps; perhaps invite the people we need to attend part of the session.



Just keep in touch with them.

AR. LEE: I think, Mr. Chairman, if I might make a comment, if there is time, depending on when the next meeting of this Commission comes, we are making a preliminary plan. We might contact the Chambers of Commerce in the six towns in the course of thinking out what might be desirable, and before this next meeting -- as well as the CapeCod Chamber -- and come in with some reactions.

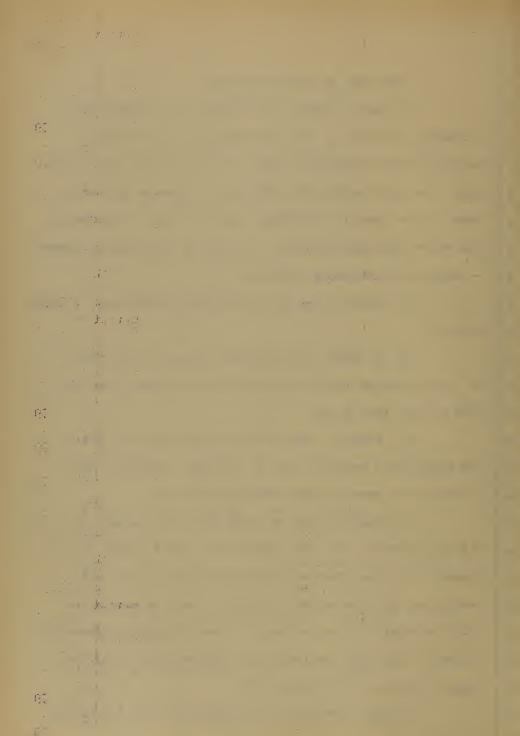
IR. FOSTER: That is an excellent suggestion. I agree with it.

IR. MC NEECE: It is better, because it is going to bring prestige for the localized park service. That is what we want them to do.

IR. FINLAY: What I had in mind primarily there, the advertising probably will be, in fact, standard. Now, if there were some way they could work this in.

TR. FOSTER: Could we leave this as a request of the Park Service, that they contact not only the Cape Cod Chamber but other Chambers of Commerce prior to the next meeting and provide Boards of Trade, as well as provide us, with the benefit of suggestions in terms of public information program. Then this Commission may consider what should be done in the way of assisting here?

Is that agreeable to the members of the Commission?



IR. WIRM: All right.

Now, the last order of business, before we are all thrown in here for good, would be the conduct of the affairs of the Cormission itself, and I was cunningly informed by Mr. Mickerson that a meeting was held, I believe, last week, was it?

TR. NICKERSON: I think so -- about a week ago.

TR. WIRTH: With a great many members of this

Commission present, to present some tentative suggestions
on procedure.

I do believe we have some questions to decide.

- (1) How the Commission will transact its business.
  Who will speak for the Commission.
- (2) We have, I think, a question to resolve on public statements or coverage by the press, of the affairs of the Commission, and we would welcome any suggestion from members of the Commission as to how we should proceed from here on.

IR. NICKERSON: Mr. Chairman, in view of the fact that I was the one that instigated these specifics, inasmuch as I have had some minor changes of opinion in my own mind since I sent them to you, I would like to offer these suggestions.

First, I would like to suggest that we vote as follows:



way.

This is for simplification: that in all votes and records of this Commission, the words, The Act, shall mean the Act provides for the establishment of a Cape Cod National Seashore, 75 stat. 284, Public Lew 87-126, 87th Congress, S. 857, that is the caption on this thing -- August 7, 1961, and amendments thereto, which would simplify our records.

NR. WIRTH: Is this in the form of a motion?

NR. NICKERSON: I would like to make it that

MR. WIRTH: Is there a second?

MR. DIEHL: Second.

IR. WIRTH: It has been moved and seconded that in all the votes and records, the words "The Act" shall mean an Act to provide for the establishment of Cape Cod National Seashore, with the proper references and any amendments thereto.

Is there any discussion on this motion?

Perhaps you might like to clarify what you had in mind.

IR. NICKERSON: It is simplification of bookkeeping, if you simply say The Act, rather than have references to this Act.

IR. WIRTH: Would there be any other Act that the



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body may conceivably refer to, that you have in mind?

MR. NICKERSON: I had no other Act in mind; it was simply a matter of simplification.

IR. WIRTH: Any further discussion?

All in favor?

(Ayes.)

IR. WIRTH: Opposed?

(None)

MR. WIRTH: It is so moved.

IR. NICKERSON: Now, the next one, Mr. Chairman, we have already elected a secretary but we have not specified his term of office and I should like to offer a motion that his term of office, of the secretary, shall be concurrent with that of the members of the Commission.

MR. WIRTH: The motion has been made. Do I hear a second?

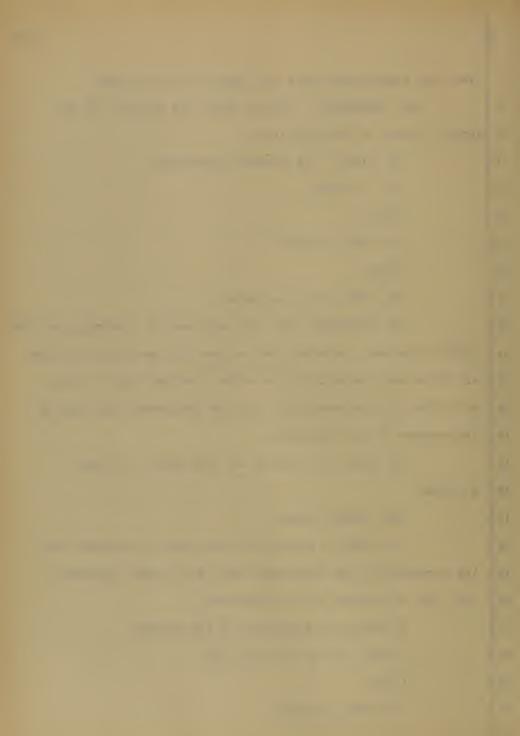
MRS. WILES: Second.

IR. WIRTH: A motion has been made and seconded that the secretary of the Commission serve for a term concurrent with that of members of the Commission.

> Is there any discussion of the motion? If not, all in favor say Aye. (Ayes)

IR. WIRTH: Opposed?

(Hone)



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IR. WIRTH: It is so ordered.

MR. NICKERSON: I have another motion. Do you want me to go ahead?

MR. WIRTH: I think they are very helpful.

MR. NICKERSON: The duties of the secretary shall include keeping of records of the meetings of the Commission; and providing each member with a copy thereof.

Secondly -- here I want to make a change. I used the word "issuance. I think it should be preparation rather than issuance, so "2" would read: The preparation of all official statements describing the Acts or advice of the Commission, providing each member with a copy thereof; and

(3) Handling the office correspondence of the Commission.

Now, by way of explanation, changing that word from issuance to preparation, leaves the manner of issuance entirely open to termination, and presumably, the Chairman would be the one to issue it, but the secretary would be the one to prepare it.

How does that idea strike you?

MR. WIRTH: There are no objections on my part.

Are there any objections of any members.

IR. MC NEECE: What was that last?

IR. NICKIRSON: " \* \* \* describing the Acts or



advice of the Commission and providing eachmember with a copy thereof", and finally, the handling of the office correspondence of the Commission.

In other words, any correspondence addressed to the Secretary or the National Seashore, would be handled by the secretary, by direction of course, of the Commission.

IR. WIRTH: This of course, can be handled in either of two ways; either by a secretary, or it can be handled by the Chairman.

MR. NC NEECE: That is the question I had in mind.

MR. NICKERSON: Perhaps that should be changed.

IR. NC NEECE: It might be more properly handled

by the Chairman, based on materials, --

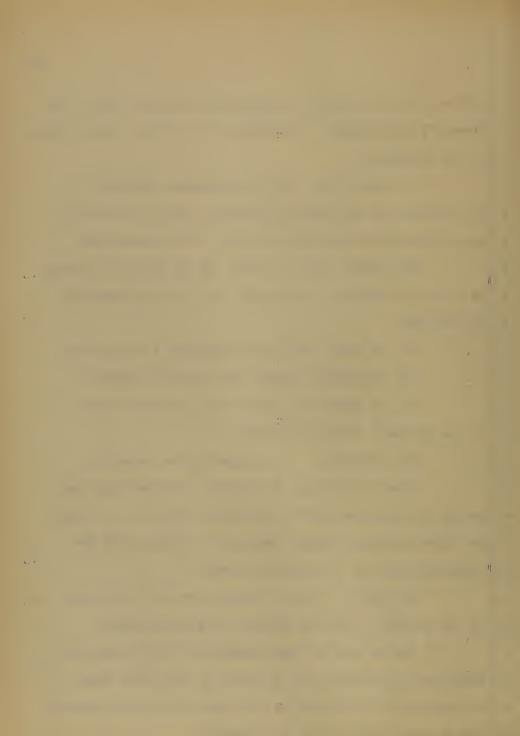
MR. NICKERSON: -- prepared by the secretary.

What I am driving at is this. We don't want ten people each speaking for the Commission officially. We want one person speaking for the Commission or saying what the Commission acts on -- on official levels.

MR. LHE: I offer a comment from the standpoint of the Service -- the Park Service, in the Department.

In the case of other Commissions that I have had experience in working with, at least, we have often found it necessary to correspond on some subjects with the Chairman and on some subjects, with the secretary.

For example, there might be many matters relating to



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the records of the meetings, and so forth, that involve the secretary and may not involve the Chairman.

On the other hand, there may be matters that involve the Chairman; maybe about when we are going to have the next neeting.

IR. NICKERSON: Why not omit that entirely, that Item 3, for the time being at least.

IR. MC NAMECE: My only thought was that the Chairman could conduct whatever correspondence is necessary on the basis of material submitted to him by the secretary, which would be factual records, of any conclusions that they have reached.

IR. WIRTH: You would suggest to the Commission, the omission of No. 3?

MR. NICKERSON: I don't know. I just raise that as a question. I think what I am seeking here, Mr. Chairman, is the elimination of points of confusion, error, misunderstanding, for the future, insofar as possible; and that is the solution of this.

IM. WIRTH: Do any members of the Commission have any thoughts on this, as to who should speak for the Commission?

MR. MALCHMAN: Mr. Chairman, I think we have inherited what is a natural, cumbersome situation here.

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Since the Chairman happens to live in Boston, when any question comes up, he will be a natural target for the Boston newsmen, TV sets, and so on.

The secretary lives on Cape Cod, some distance from our office, and to keep this coordinated might get a little involved.

I think whatever you may decide should not be too inflexible. It should leave some flexibility, so that the Chairman may exercise his good judgment and I believe not find himself in a position of saying, "I cannot say anything. You have to see the secretary on the Cape."

MR. NICKERSON: You go along with omitting Item 3?

MR. MC NEECE: Yes. I think the general purpose

whatever action the Committee votes on.

MRS. WILES: Mr. Chairman, as an individual, we can say what we please -- not speaking of the Advisory Commission. Just as a private citizen.

is no statements will be made which will be inconsistent with

IR. FOSTER: Definitely; but I think you should recognize, as members of the Commission, your statements are given an entirely different prospective than they would if you were not a member.

IRS. WILES: You don't want to be tied, so you can't say anything.

IR. CHILD: It seems to me the superintendent should be somewhere in this resolution here, if he is going

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to be at all our meetings. His name should, perhaps, appear in this resolution in some way.

MR. WIRTH: Are there any suggestions you would care to make?

MR. CHILD: I don't know what has been done before.

Perhaps Mr. Lee could tell me.

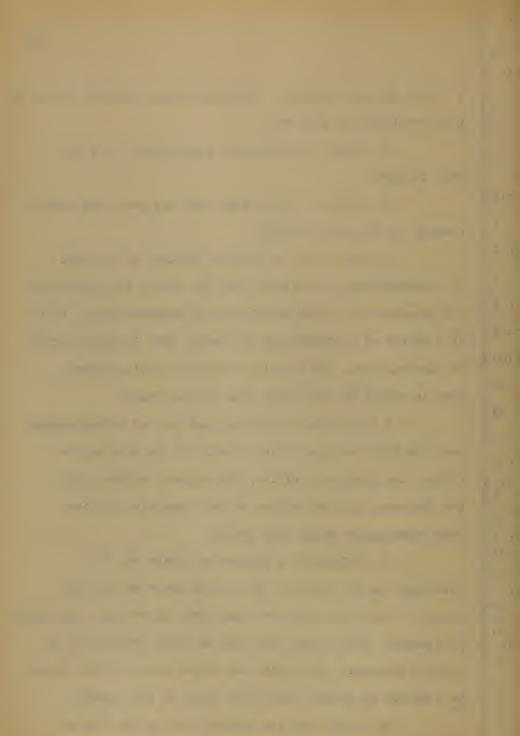
IR. LEE: Well, if you are thinking of the kind of correspondence on subjects that are before the Commission for consideration, that is one kind of communication. If it is a matter of statements to the press, that is another kind of communication, and I believe that the problem arises more in regard to the latter than to the former.

I think there will be a good deal of correspondence back and forth between various levels of the secretary's office, the Director's office, the Regional office, with the Chairman, and the members of the Commission. We are corresponding now about your travel.

entirely; and Nr. Chairman, that would leave us with two things -- that the secretary would keep the records, and supply each member with a copy, and that he would prepare all official statements, describing the actual advice, which would be a matter of record, which were based on the records.

IR. WIRTH: Are you putting this in the form of

a motion?



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NR. NICKERSON: I would be glad to do that.

IR. WIRTH: Any seconds?

IR. MC NEECE: Second.

MR. WIRTH: It has been moved and seconded that the duties of secretary shall include (1) keeping of records of the meetings of the Commission and providing each member with a copy thereof;

(2) The preparation of all official statements, describing the Acts or advice of the Commission, and providing each member with a copy thereof.

> Is there any discussion on the matter? I presume this is agreeable with the secretary. Any suggestions?

MR. MC MMECE: I would not say it was very happily received by the secretary.

IR. WIRTH: No serious objection, though?

IR. MC MEECE: If any of the members of the Commission find they are not receiving copies of statements, or if there are errors or omissions, I assume I will learn about it. and there will be an effort made to correct the record.

> IR. WIRTH: That is certainly understandable. Any further discussion on the motion? If not, all those in favor say Aye. (Ayes.)



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IR. WIRTH: Opposed?

(None)

MR. WIRTH: It is so ruled.

AR. NICKERSON: The next one may not be necessary at all. That was, "The Secretary is authorized to pay the expenses reasonably incurred by the Commission in carrying out its responsibilities under this Act upon vouchers signed by the Chairman", as provided for in Section 8 (d) of the act.

IR. WIRTH: The Chair would fee that it is not necessary. I think we covered that this morning. The records of this meeting include that.

MR. NICKERSON: The next motion I would like to offer -- this is not quite prepared at the moment -- to state the specific date, but in the original draft here, it reads: The Commission shall meet regularly until further notice, at 2:00 p.m., on the first Monday of each month, at the Headquarters, the Cape Cod National Seashore. When the first Monday falls on a legal holiday it should be the next day following.

My concern is that there should be a definite, predetermined meeting date. There may be meetings in between, on the call of the Chairman -- something of that kind, but there would be a predetermined meeting date.



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24 25 Furthermore, I am assuming that the National Seashore would like to have us meet at the Headquarters, since there, all information charts, data of various kinds, would be readily available.

I am not assuming, as is Mr. Child, that the Superintendent of the Park would necessarily attend those meetings, but that he would be available to do so on invitation, and normally or frequently be invited.

MR. LEE: I think that would be a reasonable way of working together.

Now, the Commissions that we have worked with have sessions with members present; and they also have executive meetings, in which members are not present.

I think that as to these procedures, the Director, and possibly the Assistant Secretary, who spoke to us this morning, would like to look them over before; I feel sure that they would like to look them over to see if they have any points they would like to raise before this is all finally accepted by all parties, as the working arrangement.

But I see no objection. I don't know whether

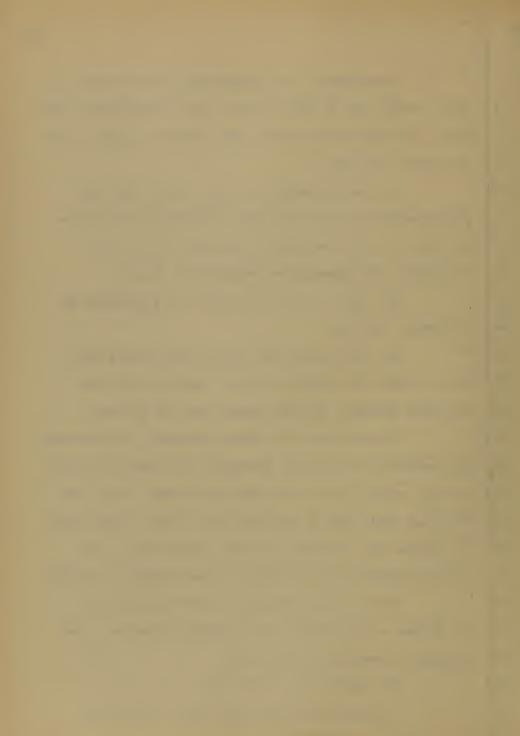
Mr. Tolson -- Mr. Tolson is the Assistant Director -- has

anything to comment on this or not.

IR. TOLSON: No, I have not.

I think the comments made sound very logical.

IR. NICKERSON: Since we have the power of acting



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by majority vote, it would be a simple matter to change any of these things which we have now, in the light of any further change of opinion.

IR. LEE: I did not mean they should not be adopted. I just meant there might be some comment, or there might not be.

MR. WIRTH: Do I understand, Mr. Lee, that the Headquarters would be available for meetings?

MR. LEU: By all means.

While I have no authority to make this statement,

I will make it anyway. During lunch, someone remarked to

me -- I think it was, maybe, Bob Gibbs -- that at some

point -- I am not proposing that it be any time soon, but

at some point, it might be helpful and interesting to have

a meeting down at Cape Hatters and see what has been done

there. I myself have talked -- I don't want to make too much

of this -- but thinking of a period of years, I would think

one year might be good for one of the meetings down in

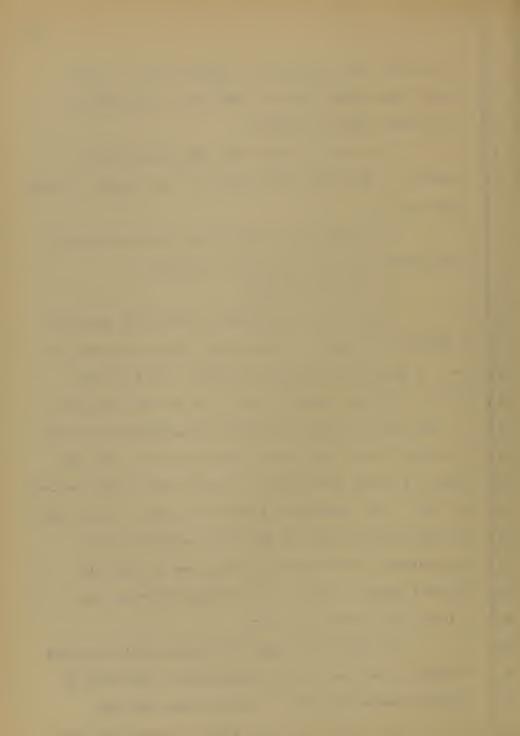
Philadelphia, at the regional office, and see what the

regional office is like, and the Design Office and take

a look at the independent parks.

In other words, while the meeting would be on the meeting at the Cape Cod Park Headquarters, there might be special arrangements made of certain kinds like that.

IR. WIRTH: There were several suggestions before



 we recognized any motion on this.

First was the proposal to meet the first Monday of each month.

Is there any discussion?

IR. NC NEECH: I was just going to raise the question -I have an idea that it might be very convenient. I wanted
to pick a date.

MR. NICKERSON: I think the Commission might be polled and perhaps we can arrive at a day of the week that is convenient for all.

MR. MC NEECE: As far as I am concerned, I would prefer a Saturday, but possibly, Friday.

IR. WIRTH: Are there any other comments on frequency of meetings?

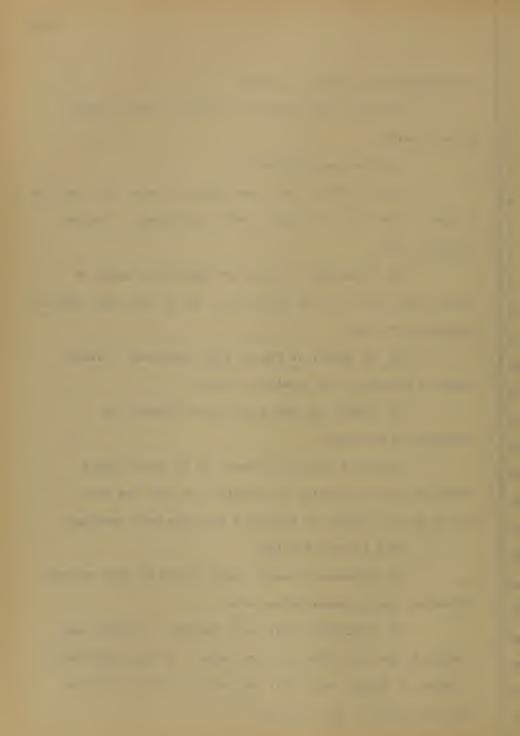
Is once a month to often? Is it about right?

Should we go from neeting to meeting? Is this the best way to do it, instead of setting a date for each meeting?

What is your feeling?

Mr. Nickerson thought there should be some orderly procedure, and a predetermined date.

IR. NICKERSON: That is my feeling. I think once a month is not too often in this stage. We have discussed a number of things today that are going to take up two or three meetings. I can see that.



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IR. CHILD: What is a good day for you?

IR. WIRTH: Any day but Monday.

How about the first Friday in each month?

MR. NICKERSON: Fine. It is all right with the

IR. WIRTH: The next meeting then, according to my calendar, would be March 2, which would not be very far away. It would be two weeks from today.

Chairman. We can get down from Boston.

MR. NICKERSON: In view of the fact the subject is going to be left hanging, I don't think that is too soon.

I would propose that we should invite the representatives of the Park Service to be present at that meeting.

MR. LEE: I don't know whether we can prepare what is needed for that next meeting, by the second of Narch or not. The zoning standards will want to be studied by various people. We would like to do some work on the Information Program.

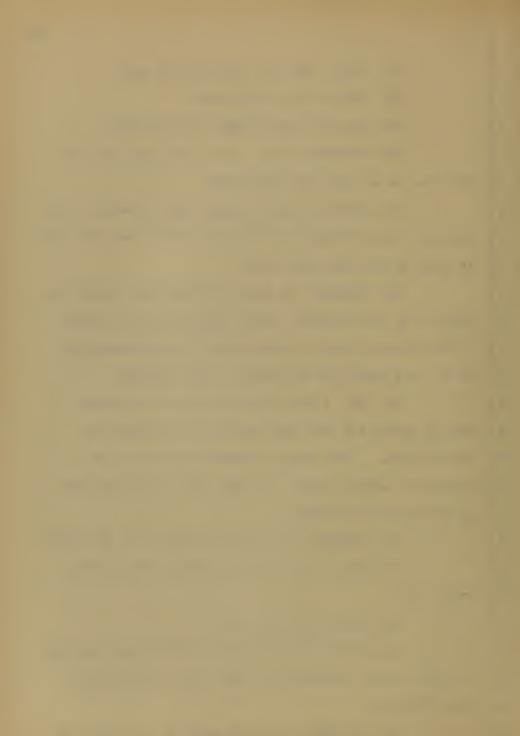
MR. NICKERSON: How about changing it to the ninth?

MR.WRTH: Then the first Friday would be four weeks later.

The first Friday in April.

March 9 will be the date set for the next meeting at 2:00 o'clock, Headquarters, Cape Cod Natural Seashore, Comp Wellfleet.

IR. NICKURSON: My motion would be the motion for



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the next meeting. I make a separate motion as to subsequent meetings.

Is that agreeable to the Chairman?

Ny motion is that the next meeting shall be at 2:00 p.m. on Friday, March 9.

IR. WIRTH: Is that motion seconded?

MR. MC MEECE: Second.

IR. WIRTH: It has been moved and seconded.

Is there any discussion on the motion?

If not, all those in favor say Aye.

(Ayes.)

IR. WIRTH: Opposed?

(None)

IR. WIRTH: It is so moved.

IR. NICKERSON: I would then move, Mr. Chairman, that beginning with the first Friday in April, the Commission shall meet regularly until further notice, at 2:00 p.m., on the first Friday of each month, at the same place.

MR.WIRTH: The motion has been made. Is there a second?

(Numerous seconds)

MR. NICKERSON: Is there an exception there about legal holidays or not?

IR. WIRTH: It seems to me we would probably work



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that out.

A motion has been made and seconded, starting with the month of April, this Commission will meet the first Friday of each month at the Cape Cod National Seashore Headquarters.

Is there any further discussion of the motion?

If not, all those in favor say Aye.

(Ayes.)

Opposed?

(None)

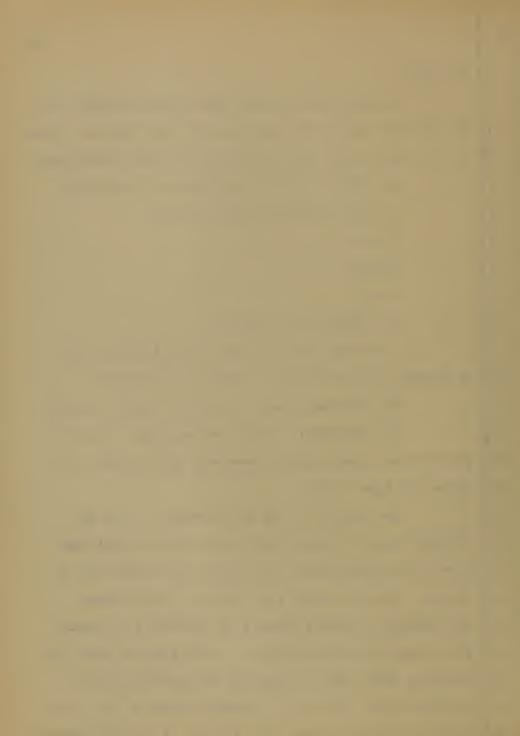
IR. WIRTH: It is so moved.

A question has also arisen which I think should be decided, as to who shall be present, in attendance.

IR. NICKERSON, would you want to comment on that?

IR. NICKERSON: I feel the Commission should not predetermine anybody except themselves, who is going to be there from time to time.

Chairman should be instructed to advise the National Park
Service any representative they want to have there will be
welcome. We also invite, for a portion of the meeting,
the Chairman to contact Chambers of Commerce, for example;
but to establish a fixed policy, I think would be wrong, inasmuch as there may be a meeting, and probably will be,
in which we will have some differeint points of view, which
would be in conflict with those of some of the Park Service;



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it might be better to have those meetings as Executive Reetings and refer the subject matter to a later meeting, for discussion with the Park Service themselves.

IR. WIRTH: Are there any members of the Commission who would disagree with that point of view?

(None)

I think the Chair would disagree.

MR. DIEKL: I would disagree. I think our future meetings, we should have as many of the Fark Service representatives there, as possible, to have them advise us. We need some help. If we have to go into Executive Session, we can do that after our general meeting.

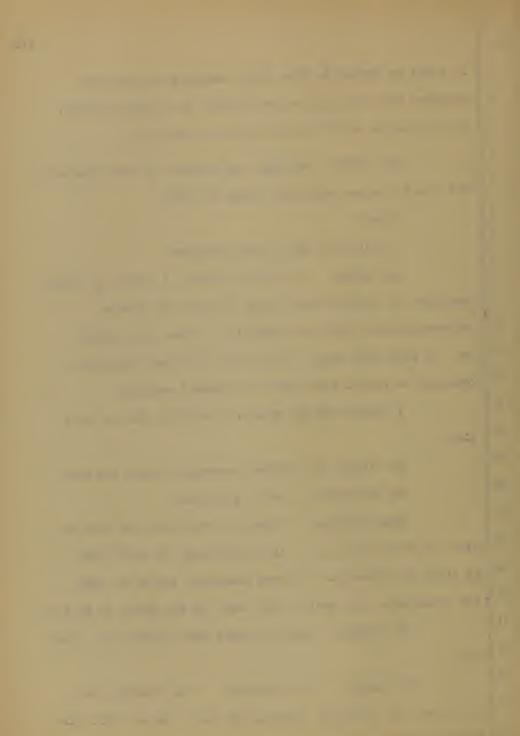
I cannot see any reason to exclude them at this time.

MR. WIRTH: Any further comments on this subject?
MR. NICKERSON: I ask a question.

Your thinking, I think, is very much the same as mine. We don't want tol -- in my thinking, we don't want to build in attendance at these meetings, but we do want the attendance, and most of the time, we are going to want it.

FR. FOSTER: I don't believe that is what Mr. Diehl

IR. DIEHL: I want members. I am thinking now of Mr. Gibbs; Mr. Thompson whenever we can; and we would like to have then at all our meetings, if possible.



IR. CHILD: I agree.

saying -- Mr. Child agree -- do we have any other discussion of this?

If the Chair mi t be permitted an observation.

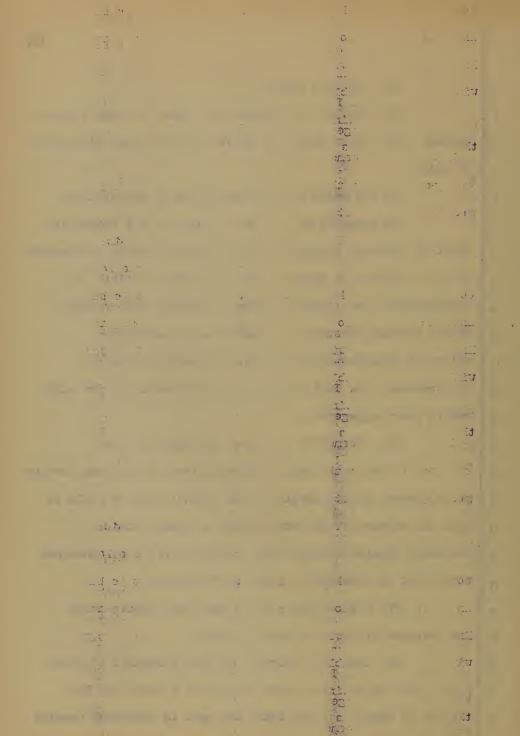
It seems to me that the conduct of the Commission would be the most success if if we work as closely as possible to get together -- granted that there may be points of disagreement; and I would wenture to observe that perhaps, by not meeting together, It would tend to encourage points of disagreement rather than incouraging points of agreement. So that I winder, Mr. Mickerson, if you might modify your suggestion.

IR. NICKERSON: in whole thinking is this:

I very much want representatives of the Park Service to be present on the meeting, but I don't want to build it into the picture to the extent that we cannot have an Executive Session without them. That is what I am concerned with; that we establish a pattern of behavior.

The meeting today would have been useless with the presence of the Fark Service people.

IR. LEE: Mr. Chairman, we have a General Advisory
Board, and the practice there is that as a rule, the Park
Service is there, but the Board can meet in Executive Session
and they generally do have an Executive Session.



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They meet -- what is it -- twice a year now and generally, at each of those meetings, they set aside -those are two or three day meetings -- and they set aside a little time at some point during a meeting for an Executive Session, and that is understood by all concerned and any matters that the members want to take up by themselves, they have an opportunity to do it at that time, and it seems to me that that would take care of this situation, probably.

MR. NICKERSON: I think we are all agreeing, but we are approaching it at different angles.

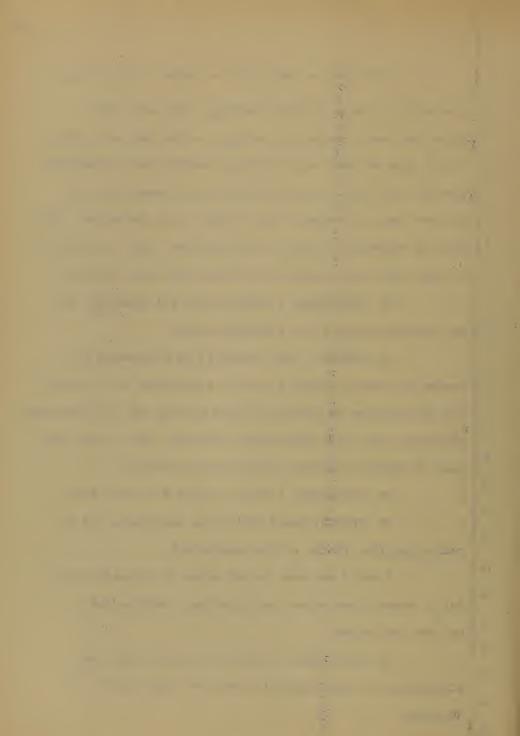
MR. FOSTER: Well, would it be acceptable as a course of action -- this is just a suggestion -- to invite the Park Service to attend our next meeting and all subsequent meetings; unless the Commission determines that it has business it wishes to conduct in Executive Session?

MR. NICHERSON: I would be glad to accept that.

IR. FOSTER: Would that be an acceptable way of conducting the affairs of the Commission?

I would not want to put words in anyone's mouth, but it seems to me we are anticipating a problem that has not yet arisen.

MR. NICKERSON: I think my objective has been accomplished by the discussion that has taken place, IIr. Chairman.



MR. FOSTER: All right.Fine.

Are there any other matters of business that we should consider?

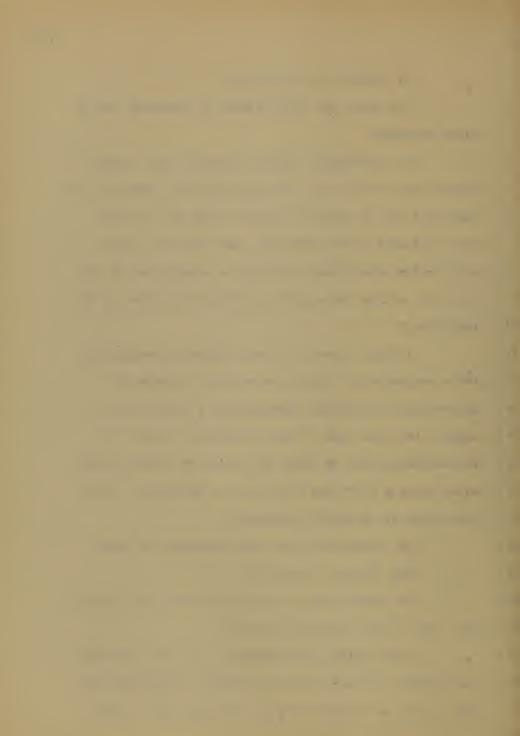
IR. NICKERSON: I have a proposal here, under Section 8(g) of the Act, "No permit for the commercial or industrial use of property located within the seashore shall be issued by the Secretary, nor shall any public use area for recreational activity be established by the Secretary, within the seashore, without the advise of the Commission."

I think there is a real danger in having such advice requested and acted upon without a period of deliberation in between; consequently, I would like to suggest that this read: That it shall be a policy of the Commission that it shall not advise on matters, coming before Section 8 (f) and 8 (g), at the meeting at which such matter is originally presented.

NR. FOSTER: Is there any discussion of that?
NRS. WILLES: I second it.

MR. FOSTER: This is not in the form of a motion, yet. This is for discussion purposes.

Your feeling, Nr. Nickerson, if I can transpose your remarks, is that these are important considerations which should be carried over and certainly well thought out before they are finally voted on?



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MR. MICHERSON: These have to do with commercial use of the Park property and recreational activities; matters which once done, cannot be undone readily and therefore, I think there should be a waiting period -- is the word -between the presentation of the problem and the final decision on it.

IR. FOSTER: Would this raise a problem as far as the Fark Service is concerned?

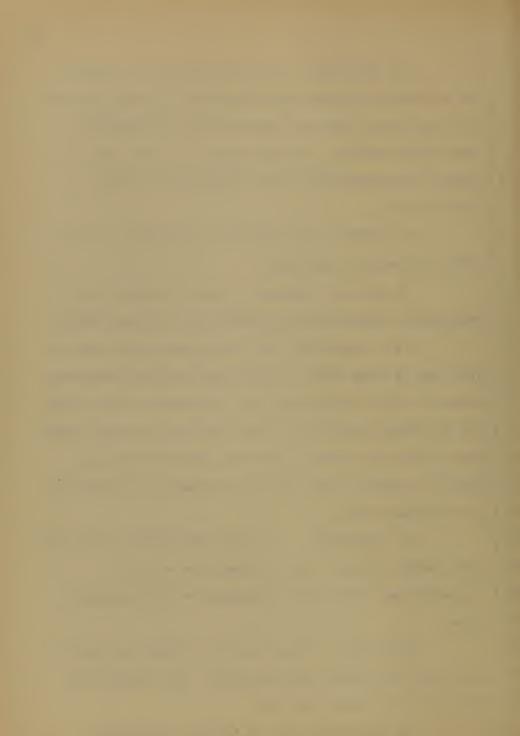
MR. LEE: Mr. Chairman, I think it would be very desirable to proceed with due deliberation on these matters.

It is conceivable that an emergency might arise at some time in which event. I would assume that the Commission desired to do so. They could make an exception to the policy but the policy would be to -- especially with meetings coming every month; this should not work any undue hardship, nor should it extend to what would be construed by the secretary as a reasonable time.

IR. NICKERSON: I used the word "policy" with that very thought in mind. Policy things, you set up as a general idea, and you take exceptions as the situations arise.

MRS. WILES: In my own case, I would not want to make decisions without consulting them. There would be no time for me to consult with them.

MR. NICKERSON: There is another consideration.



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Mr. Chairman. I know now that I shall not be at the April meeting, for example. The matter presented at the April meeting therefore, might be -- the action on it might be postponed until the May meeting. So that any member that was absent from one, would have an opportunity, through the official record, to be present at the next meeting to express himself on the subject.

IR. FOSTER: They are all good points, I believe.

Is this in the form of a motion?

IR. NICKERSON: I would be glad to make it one,

if you wish.

It shall be a policy of the Commission that it shall not advise on matters coming before it under Section 8(f) and 8 (g) at the meeting at which any such matter is originally presented.

MR. FOSTER: Is there a second?

MRS. WILES: I second.

IR. FOSTER: It has been moved and seconded that it shall be a policy that the Commission shall not advise on matters coming before it under Section 8(f) and 8 (g) at the meeting at which any such matter is originally presented.

Is there any discussion of this motion?

If not, all those in favor say Aye.

(Ayes)



MR. FOSTER: Opposed?

(None)

MR. FOSTER: So moved.

Chairman, which perhaps should be modified, in the light of what has gone on today, but I would like to make this suggestion. That the Commission at this time, determine items which are to be on the agenda for the next meeting.

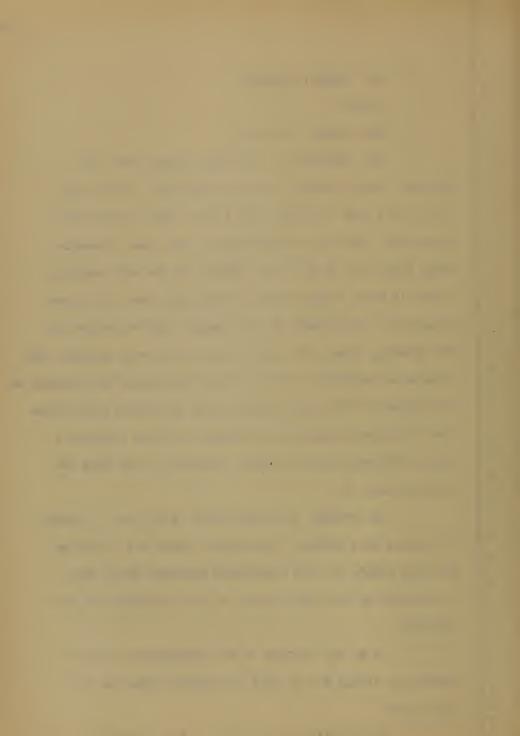
I have in mind, they may not be the only items, but these items shall be included in the agenda, and the reason for the thinking along this line is that if at each meeting, the Commission determines certain items which shall be included on the agenda for the next meeting, then the members will have time to inform themselves in advance on those subjects a little bit better and be better prepared to act when the subject comes up.

MR. FOSTER: The Chair might as Mr. Lee -- before he arrived this morning, apparently, there was a feeling that the agenda for the Commission meetings could only be compiled by the Park Service or the Department of the Interior.

Is it the feeling of the Department that the Commission should not be able to suggest items for its own agenda?

I would like to have that point clarified.

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IR. IEE: Mr. Chairman, I am sure that that is not the 2 reeling of the Department.

Mr. Beasley, Assistant Secretary Beasley, in 4 speaking this morning, referred to some general guide lines hat had been adopted to establish procedures in relation to sbout all the Advisory Commissions that worked with the Secretary and I believe the language that he quoted, which I don't have here, said that if the agenda -- the time and place of meetings, and the agenda, should either be determined by an official of the Department, or approved by an official of the Department.

Now, there is a question of the interpretation and the meaning of this Act, and the Act of course, prevails.

I think one of the principal thoughts on the agenda is the Secretary may have some items he would like to bring before the Commission for consideration.

He may or may not. I mean, they may come up between the meetings and he would not like to be in a position where he had to wait until the meeting after the next one, to get his items before the Commission.

So that I think the preparation of the agenda could be by the Commission, with the Interior Department also making its suggestions at the time it is in preparation or vice versa, whichever way it works best.

I think we would be happy to have the Commission



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prepare its agenda, provided we have an opportunity
to make our suggestions, too, and I think on the time and
place of the meetings, as soon as the thoughts of the
Commission are before the Secretary, I am sure he will feel
that this is an admirable plan; and be very glad that the
Commission feels that they can meet as often as this.

MR. FOSTER: Are there any discussions on this point?

tied down, in getting advice only in areas where it has been solicited. I think that perhaps the National Park Service, the Interior Department, should sometimes be given advice they have not asked for. They don't have to take it but we all hope we may be in a position to know of problems that have not come up. I think we would be doing the Department a service by bringing up problems that have not come to their attention.

MR. FOSTER: Any other comments on that score?

MR. NICKERSON: Mr. Chairman, I was the one
this morning, before you were here, who objected to the
idea that the agenda and call for the meeting should be
made only by a full time officer of the Department of
the Interior being in conflict with the Act itself. I think
that the objective could be arrived at, if that is agreeable
to the Department, by saying something to this effect:



for any meeting, any matter suggested for inclusion in that meeting by the Fark Service; have that as a standing vote or a standing policy of anything they want to include in the agenda, would be acceptable for our consideration, but as for the rest of the agenda, it seems that should be our prerogative, not theirs.

MR. FOSTER: Would this be agreeable with the Service, Mr. Lee?

on this subject should be discussed with Nr. Wirth, and Assistant Secretary Beasley, to make sure that we are not too far apart, and the final action on this item taken at the next meeting, because there was a more or less, opposite point of view expressed this morning, as to who approves the agenda. In fact, the Assistant Secretary stated that it was -- there are regulations, and there may be laws involved that I am not personally familiar with, that have a bearing on this question.

So I would suggest, if I may, that the Commission make the proposal they would like to have accepted, to the Secretary, and see if the Secretary will accept it.

MR. FOSTER: I think you recognize, Mr. Lee, that that is a somewhat unusual position that the Commission is in; to be unable to set its own time and place for the



neeting, on its own agenda; so that this is a matter of concern, I think, to all of us, to be resolved. I think it would be highly advantageous to all parties.

IR. IME: I am sure that it is true, and I am sure that the Assistant Secretary Beasley said this morning, he felt that all of these matters could be worked out.

I don't like to give an offhand opinion that might be in conflict with the Secretary's opinion on this subject. I happen to serve on some Commissions myself and I know how it feels to be a member of a Commission who feel that the agenda, and time and place of the meeting, are naturally, something that the Commission has to have considerable voice in determining.

On the other hand, the Secretary's position is that he needs to be able to lay matters before the Commission at a time, and subjects that are of concern to him; so it is really a joint matter.

MR. NICKERSON: Mr. Chairman, would a motion something like this, perhaps, be submitted to your Department for comments, be in order?

Let us say it shall be a policy of the Commission that any items requested by the Park Service or the Department of the Interior, whichever words you want to use, to be included in the agenda of a meeting, shall be included in that agenda?

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MR. FOSTER: I believe this would be a very construc-
    tive motion, myself. Is that in the form of a notion?
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              MR. NICKERSON: I will make it as such, if you
    request.
              IR. MALCHMAN: I second.
              IR. FOSTER: It has been moved and seconded that
    it shall be a policy of the Commission to include in the
    items -- to include in the agenda of the next meeting, any
    items requested by the National Park Service.
              Is that correctly stated?
             IR. NICKERSON: That is fine.
             IR. FOSTER: Is there any discussion of that motion?
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             If not, all those in favor say Aye.
             Ayes.
             IR. FOSTER: Opposed?
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             (None)
             IR. FOSTER: It is so moved.
             Are there any other items of procedure that we
   have not covered?
             MR. NICKERSON: Mr. Chairman --
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             MR. FOSTER: Mr. Nickerson.
             MR. NICKERSON: I would like to suggest, again,
   that we determine now, certain items which we shall include
   in the agenda for the next meeting.
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Those items, I think, should be ones in which, II's.

we already recognize as being. Some of them which have been

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mentioned, escape my memory at the moment. I have down here on my list, the question of a meaning of a reasonable time, as used in 8 (c) of the Act, and my thought on the subject was this: that when the Secretary asks for the advice provisions, he cannot act without the advice if such advice is submitted within a reasonable time after it is sought.

I think we should request, the Commission should request, some kind of an expression from the Secretary, that he would advise us at the time he seeks such advice, what he considers to be a reasonable time with respect to the advice which is then being sought. Not as a general rule, but a reasonable time with respect to the particular problem which our advice is being sought on.

MR. FOSTER: Is that a matter, Mr. Lee, that could be resolved right here and now?

IR. LEE: Well, the Assistant Secretary said this morning that the term "reasonable" was subject to interpretation. I don't know that I could give an offhand definition of what is reasonable. I think he asked that the Commission offer its suggestion of what is a reasonable time.

IR. FOSTER: I believe what Mr. Nickerson requested, was that at such time as advice is sought, that you indicate at that time, what your reasonable time would be.

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MR. IME: I think we could do that.

IR. NICKERSON: Then, if I may explain, then we know that specific advice is sought. We will know what he considers reasonable time. If we disagree, we can ask for a change of definition.

IR. FOSTER: Right.

MR. LEE: I am sure we can do that.

MR. FOSTER: Does that solve your question?

MR. NICKERSON: It would solve my question completely if the Secretary, or whoever is an appropriate designee, would agree to that provision. Perhaps you don't want a motion on that. Perhaps you want it presented informally.

IR. FOSTER: I believe the discussion we had probably takes care of that particular item.

MR. NICKERSON: The next point I have here, Mr. Chairman, is this: This is your bailivick, but because of the importance of the public relations involved, you and I discussed this some this noon, I think that the last item on the agenda for the next meeting, should be a discussion of integrating the use of National State Park, Flymouth College, with the Cape Cod Natural Seashore.

What I have in mind is two things. One is the immediate use in 1962: the other is possibly exploring any future relationships which may be for a longer term.

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IR. FOSTER: I think the Chair would have this to offer -- that that subject in itself, could occupy most of the meeting of this Commission.

MR. NICKERSON: My reason for suggesting that it be introduced in outline, at the next meeting, is the pressure of time with the summer season approaching, and it may well be that the discussion would be relatively limited then but emplored later, at another meeting, more fully.

I could think the discussion at this neeting would be limited to the season of 1962, and the later applications at another meeting, because you have a real problem with people coming in, expecting to find camp sites in the National Seashore, when they are not going to be there.

IR. FOSTER: Is there any objection to the inclusion of this subject in the agenda at the next meeting?

IR. DYER: Nr. Chairman, I have no objection to including the subject but we should not get some subject on the top of the agenda, then have the whole meeting monopolized by it, so we should, I think, at least use our judgment in setting the breaks on it.

IR. FOSTER: I might remind the Commission we have two subjects that definitely are high on the list.

One has been the question of zoning standards, which certainly, I think, would be of prime importance;



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The other question is the question of public information for the 1962 season.

IR. NICKERSON: You might include this as a subsection under public information, if you want to.

IR. FOSTER: Is that agreeable with the Commission?
All right.

Any other suggestions for the agenda at the next neeting?

IR. NC NEECE: I understand that each member here is going to have a transcript of everything that happened, and I believe, in reading that transcript we will find mention of many items which should come up in the next meeting, and it could very well be that we can pick out from the transcript, the items that seem to deserve priority.

I think the two you mention certainly do, and we can schedule them tentatively for an agenda for the coming nee ing and circulate them, and see if they are approved.

IR. NICKERSON: I have in mind, Mr. Chairman, with this suggestion of setting up items for inclusion in the agenda, there will in all probability be many meetings in which we don't complete the agenda. That happens.

IR. FOSTER: I think these are good thoughts.

Are there any other suggestions for agenda



IR. DYER: Mr. Chairman, isn't there a possibility we may have emergency items -- things that might occur to some of us in between meetings, that we think might go on the agenda, yet we have not planned to put them onthere? Isn't there some way, perhaps, to make arrangements to have them put on? I don't say that should be unlimited, or anything like that, but nevertheless, things could occur between meetings, and we definitely want to pick them up.

IR. FOSTER: We would suspect on any agenda, there would be an item of other business, of course.

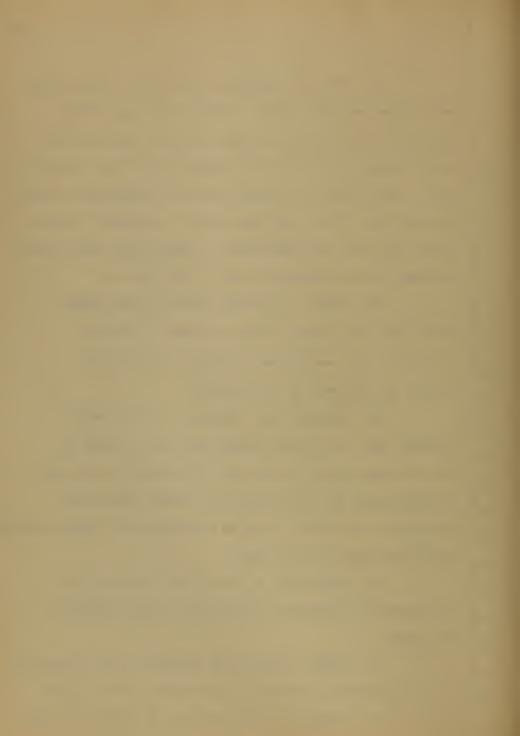
Anybody has the prerogetive of moving to one item or another in the event of an emergency.

FR. NICKERSON: Mr. Chairman, I would expect further, that the Chairman would have things coming to his attention which he would want to include in the agenda.

By whole point is, in setting up an agenda, items with respect to which we will have an opportunity for further thought before arriving at the meeting.

Now, there will be other items which you, in your position as Chairman, might want to have included in the agenda.

IR. FOSTER: Would it be desirable, as a suggestion to the Commission, to leave the preparation of the agenda items to the officer s of the Commission in conjunction with the Fark Service, to be circulated to all members, at a



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reasonable time prior to the next meeting date? Would that be agreeable -- rather than attempting to work it all out at this time?

> That is a good idea. IR. NICKERSON:

I think, Mr. Chairman, that is true; but at the same time, I think that there should be -- if you wish to do so, there should be specific items to be included in the agenda. That is what I have been trying to accomplish.

MR. FOSTER: Well, we have two specific items at the present time.

The question of zoning standards.

We have the question of the public information program.

Are there any other items that should be added to that, other than those that may come up in the course of our --

MR. NICKERSON: I should like to include that question of integrating with the State Park Service.

MR. FOSTER: Are there any other agenda items that come to mind?

MR. LEE: Mr. Chairman, as long as you are discussion this, I would be inclined to think that, if there is time, at the next meeting, even though it is only three weeks away, there ought to be, and perhaps for some time, almost a standing item on the agenda of the status of the Land Acquisition Program.



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 IR. FOSTER: That will be agreeable with the Commission. It looks like a good suggestion to me.

MR. LEE: I would like to ask Mr. R. Lee if he does not feel that this will be something which we will be exchanging views on, with the Commission, regularly.

MR. R. LEE: I think so, because these regulations
-- zoning standards -- have a direct bearing with the land
acquisition, which is a very critical thing in the early
stages. It is going to shap itself out as we go along.
It certainly is a major point, at this point -- both zoning
regulations and how we proceed on acquiring land. The two
are tied together.

IR. FOSTER: Are there eny other discussions on this matter of agenda items?

If not, we have one other area to consider.

That is the relationship of this Commission to the press;

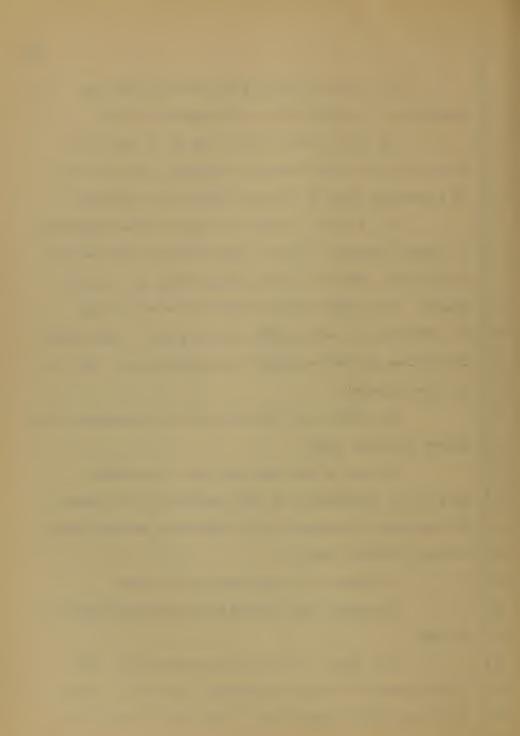
the question of speaking for the Commission, and how those
affairs should be handled.

Are there any suggestions on that score?

Certainly, the Chairman would need some guidance in this.

IR. Lim: I was out a few minutes ago. I had a newspaperman try to get information out of me. I sent him to you; after the meeting, I told him to contact you.

MR. MC NEECE: It seems to me, Mr. Chairman it is



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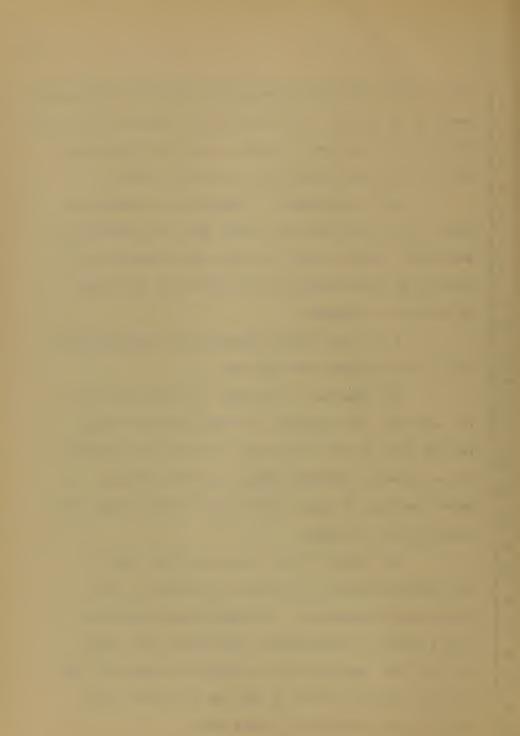
 quite logical that the Chairman should issue the press releases, based on the record. If he issues press releases which reflect what actually happened, of course, using his discretion, I don't see why that should not be perfectly proper.

As to individuals -- thequestion of wearing two hats -- it is very difficult to say they are expressing an individual opinion. Yet, certainly, every member here is going to be pressed when he gets home or she gets home, as to what has happened.

I can only suggest discretion and generalization as far as individuals are concerned.

IR. MALCITAN: I was going to substantiate what Mr. Lee said. What happened, we found ourselves saying, more or less, it was a nice trip; we found the Department of the Interior courteous indeed, and that, perhaps, we heard something on these subjects, but without saying what if any action was taken.

IR. FINLAY: I feel we should not be left in the position entirely of saying, "No comments". That would make it ridiculous. You might think most of us, with a sense of responsibility, can discuss this thing in a way that they might not be satisfied completely, but to give a general outline of what the procedures were, and so forth, without any further detail.



IR. NICKERSON: Mr. Chairman, I have one request to make. I would request of the members of the Commission that no statement be made of any nature, disclosing that there was any difference of opinion between the Commission and the Park Service, or the Assistant Secretary of the Interior.

I have in mind particularly, the clash which I had this morning -- the difference of opinion with the Assistant Secretary of the Interior over this matter of meetings, and agenda. It will serve no useful purpose; therefore, I think all of our comments which we make, should be positive rather than negative in interpretation.

Furthermore, I would like to make this suggestion, Mr. Chairman, to the members of the Commission, that as a general thing, that we do not disclose any position — how many voted one way or another; whether the vote was unanimous or whether the vote was not unanimous; whatever the action of this Commission may be. The only thing we say about them is that the Commission decided, and not indicate whether there were any differences of opinion on it.

IR. FOSTER: Any further comments?

TR. CHASE: I think another area, that Mrs. Wiles touched on, if the occasion arises where Mrs. Wiles and myself or the other people here on the Board, have to



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act as a limison between the Board of Selectmen and the Commission, you will remember, there is a thing called the Cpening Meeting in Massachusetts.

I know in my bailiwick, it is almost impossible to get any business transactions with the Selectmen unless you go to the meeting which is open. You might corner them individually, and thrash it out one at a time, but even to ask to meet with them in Executive Session takes just about a day down at my end. I know all the State people have quarrels that go on all over the government down there.

IR. DIEHL: I agree with that. That is my feeling.

I represent the town. We have town meeting Monday night,
and at the meeting, the question may come up, perhaps they will
want some sort of a report from me, which they have a right to
have. I would say they have a perfect right to ask me.

I am representing them.

and if I may be permitted to comment on this. All of us were nominated by one Board or another. I believe we are all appointed by the Secretary. We are members of the Commission, even though we are obviously here to advise the Secretary on the basis of our own particular area. So that we are not, really, representatives of one particular body of government. We are, technically speaking, members of the Commission. We do not really represent our own community.



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MR. DIEHL: I would agree with you up to a certain point on that but I mean, whether our members would agree with that -- whether that is their feeling.

of good public relations, not only for the Park Service,
but for this Commission, isn't it rather desirable -- rather
than otherwise -- that when questioned, Mr. Chase, for example,
should speak frankly about the work of the Commission? I
think it is important to avoid any reference to differences
of opinion but frankly, about the final resolution of
such differences -- the final decisions that were taken.

MR. FOSTER: The question at hand, is: What degree of frankness are you referring to?

IR. DYER: Mr. Chairman, some of us are bound -in fact, I will in two or three days, be in the hands of a
Cape Cod neeting, and I don't venture to say what will happen
at those town meetings.

I have an idea that very likely it has happened before; I think I will have and you will have a lot of curved questions. I am not only a member of this Commission, and have my duties there, but I am also Selectman of the town, and I take my oath on that matter, too. I certainly am going to use the best judgment I can.

IR. FOSTER: The Chair might point out there is



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no way of resolving what we are talking about, other than to encourage everyone to use their best discretion in terms of speaking, in the praise of the Commission. I am sure everyone will. These problems will have to be handled individually, as they come up. It will be difficult at times, but I think, as we work together, and combine functions as a Commission, perhaps it will be easier than we suspect at the present time.

We have touched upon several things. One, the suggestion that in terms of any news release of activities, of decisions of the Commissions, that this be derived from the Chairman.

Is this your wish, or would you prefer it some other way?

I would be happy to do it. I would like to lean on the other two officers, if I might in preparing the proper text of what was decided upon.

MR. DYER: Mr. Chairman, I agree with you, but I think the immediate problem is the press release on this special meeting, and I think that the press is going to be rather impatient if we delay too long and will start buttonholing each individual member; so I wish, Mr. Chairman, you and the Vice-Chairman and the Secretary can perhaps, get together a press release as soon as you conveniently can.

Maybe that is a little hard.



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Mr. MICHERSON: Maybe they would like to interview us. MR. FOSTER: Would it be agreeable to the Commission

to have a press release drafted on the recults of this meeting with the assistance of the Officers, and have it as a joint release, perhaps, with the Mational Fark Service, since this was the meeting here in Washington?

Would that be agreeable? It probably could be done this afternoon.

IR. CHILD: Could this be done by the first of the week?

MR. FOSTER: I would say it would have to be or it would not be necessary.

MR. LEE: Our Assistant Director for Public Affairs escaped this meeting. I don't know just how he got away, but he did. He has undertaken to see that relations with

Would this be imposing on the Park Service?

Well, I am not sure. It is five after 5:00 and I wonder if someone would call and see if Dan Beard is down there, and if he would come up here.

Could I make a comment while we are trying to get hold of him?

IR. FOSTIR: Go ahead.

the newspapers were in some manner handled.

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MR. LEE: It seems to me this general discussion is very helpful to the Park Service, to get an understanding of the feelings and wishes of the Commission.

This subject also, obviously, affects us, because the matters that are brought before the Commission by the Secretary for consideration, on which advice is sought and given to him, there may be some matters on which he would like a chance to consider the advice before very much is said about it publicly. Mr. Wirth mentioned that point this morning before you arrived, that he thought there would be subjects on which the Commission would be advising the Secretary and the Secretary would like a chance to know what your advice is before the public does.

I think, as I said, that the general discussion is going to be helpful to us but I think that the subject as a whole is one that might fall into the category that Mr. Mickerson mentioned, of a subject that comes up at one meeting, and is acted on at the next one, in that it is a little complex; and I don't know fully, what views our Departmental Division of Information might have, or what contribution they might have, just helping solve the problem.

We are a general advisory board and there are some acts that are not for publication, and other acts that are for publication. Those that are for publication are submitted to the Secretary. He gets a look at them; then they go in to the newspapers immediately thereafter.

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Mr. Wirth has fortunately, arrived, and it is a question of public information.

IR. FOSTER: We are discussing, Nr. Wirth, the question of releasing information and the results of a Commission meeting; how best it should be handled, and specifically talking about the results of this meeting, as to whether it would be possible for the officers of the Commission to sit down with your people and work out some kind of a joint release, of what transpired today.

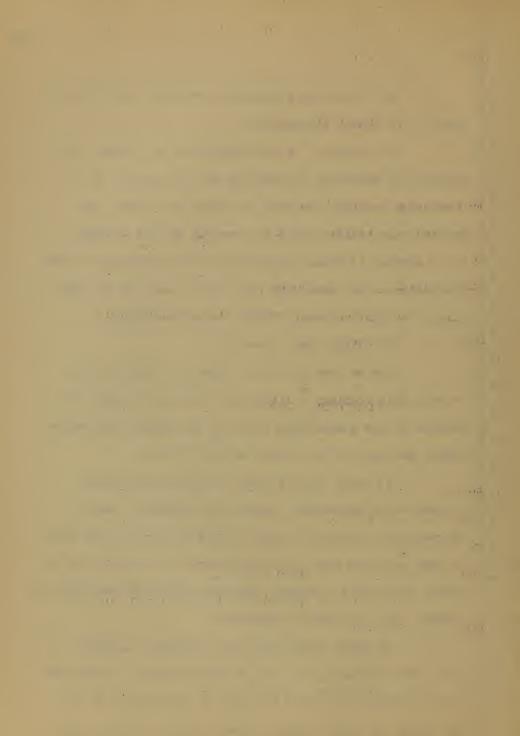
MR. WIRTH: Yes, there is.

Let me just say this. This is a subject that started this morning, a little bit off on the wrong foot, because of the conflicting state of the legislation and so forth, but here is the reason in back of this.

It would be just like you, as an individual, or you, as an individual, asking for somebody's advice, if you have a problem you want to talk over with them and he goes out, and does a certain amount of analysis, and so forth, and writes a letter; then goes ahead and publishes it, before you had time to consider it.

In other words, you have consented to advise, as to the Secretary, on a lot of these things. There are certain things that there will not be any problem at all.

But there are other things, that are policy matters, where decisions will have to be made, which you are recommending



to the Secretary, and the Secretary ought to have the right to consider them before they are made public.

It is just an ordinary business approach to it; it is not an attempt to curtail you on any of your thinking or anything else, but it is one of those things that you have to take into consideration, in good procedure, and proper planning; and the thing that Mr. Beasley read this morning, there is nothing more stereotype or more difficult to write than a policy that covers all agencies; all circumstances; all conditions for all time; and put it into a Departmental regulation, and I can assure you that the law is the governing factor.

The next thing is in carrying out our joint work, how and what is the best way to proceed in order to get the best results.

recommendation of the Advisory Commission, we will use this statement, which was made to proof earlier, in our transmittal. In those things, there is no question about that; but there are certain things that are going to come up as to policy, that the Administrative Office has to consider, and he may not accept your recommendation. I can assure you of that. There are going to be times, and I don't know of anything that, after he has considered it, that if you really want to, each individual can say, well, I do not think the

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Secretary did the right thing.

I think this is a free country. You can say, as an individual, what you want to but I do think that on this kind of thing, we can talk those over and come up with a determination, whether it should be a monorandum to the Secretary or a resolution, and it has worked very well.

These people come from all over the country.

It covers the whole Park Service; and the memorandum to the Secretary contains recommendations for his consideration — those things that can be handled are resolutions; but they all go out in one place. They don't go out as of today.

MR. FOSTER: I make this suggestion; that you heave to the discretion of your new officers, on the basis of today's meeting, the preparation of a suitable release, describing what we have accomplished here, to try it but in this fastion and then, if whatever we come up with is not acceptable, you can change the procedure in the next meeting.

It seems to me that we are beginning in an area where we are anticipating a problem that as yet, as not arisen and perhaps, it could just be handled in that fashion today.

Is there any objection to preceeding in thet

IRS VILLS: I don't think I quote understand you



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er.

That is, I know when I go home, my telephone is going to be ringing. I am going to be asked questions.

Am I simply to say, "I am not permitted to speak"?

MR. FOSTER: No, this will be left to your own discretion.

TRS. WILES: If I give a general outline -- that is, we had a meeting and a general outline of what happened, is that all right.

IR. FOSTER: This would be left entirely to your discretion.

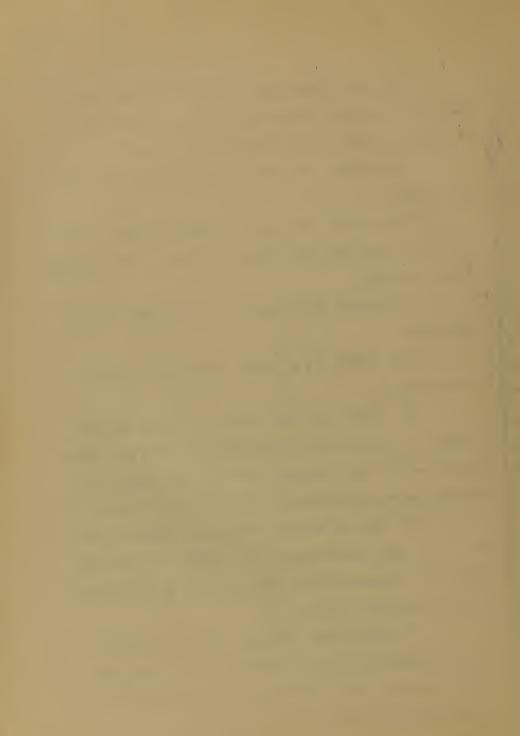
IRS. WILES: I don't mean controversial things.

Just generally.

MR. FOSTER: If there would be a formal release prepared for distribution to the newspapers this afternoon, what is left of this afternoon, so that there would be an official record distributed to the various news outfits --

one of the Cape Cod newspapers just outside the door, and perhaps the Chairman and the Director could be interviewed on this, and other officers.

keep the reporters out of the aceting, so we could have a frank discussion, and lo and behold, one walked into the Cosmos Club with one of the Compressmen, or one of the



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Congressmen invited him in, so I told Dan Beard that he better make a little note about what the Secretary said and give it to the AP and UP, because we would get in trouble; but that was more or less of a general statement by the Secretary and did not have anything to do with the results of the meeting.

So something has gone, but that is how that leak came about.

Haybe I was a little weak. I did not have nerve enough, when he came in there, the last minute, before the Secretary talked, to tell him to get out. Pardon me -- I am sorry. I just did not want to do it at that time.

IR. NICKERSON: If a reporter from the Standard Times is out there, as you indicated, why wouldn't the simple solution be this. That you and Mr. Wirth have an interview with him, with the Secretary and your associates, and play it by ear, and not issue a press release at all?

MR. FOSTER: Well, I don't think that would be advisable because you have other newspapers that are interested.

IR. NICKERSON: If they were interested enough to come, we don't want to alienate this local newspaper.

So I think in order to have them on our side, you have to tell them something.

IR. FOSTER: Would this be agreeable to the Con-

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mission? This course of action?

All right.

Now, we have two other problems that came up on

One is any future meetings of the Commission, will they be open or closed meetings? That is a point, I think, that was brought up by Mr. McNeece.

What is your feeling in this regard?

MR. MC NEECE: Mr. Chairman, that point was not in regard to meetings of the Commission. I would assume they would be closed. I don't think we are governed by the open meeting law in Massachusetts.

I was thinking of being put on the spot, at either a town meeting or in a regular meeting of Selectmen, and being asked to attend such a meeting to answer a question, and being told what to say. Something of that sort.

IR. FOSTER: I see. Is it assumed that our future meetings will be essentially executive meetings?

MR. NICKERSON: Mr. Chairman, I feel very strongly if this Commission is going to be any good, they would have to be executive meetings.

IR. WIRTH: I don't know about the Minute Men.

I have not been to that Commission meeting.

MR. LEE: They have to be.

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MR. WIRTH: In New York, it is. The New York one has been that, anyway, too.

This is a little bit different. This is not a Commission making final decisions. It is a Commission set up as an Advisory Commission to the Secretary to make recommendations, and you are a little freer for discussion and that kind of thing, to the Secretary, if you have an executive type of meeting.

Now, there may come a time when a problem will come up, and you may say, "Well, let's put this up to the town fathers and have them come in and discuss the whole thing before we make our recommendation."

Those things, you can make changes on; but that is a decision that the Commission will make after weighing whether you want to do it or not, for a particular purpose.

IR. NICKERSON: It would make sense, if we adopt, as a general temporary policy, that the Chairman, the Secretary, and the Vice-Chairman --

MR. WIRTH: You are the "Vice".

IR. NICKERSON: Would hold a press interview immediately following the meetings, if the press wanted to be there for that, and play it by ear. and if it worked out that we got into trouble, we might have to stop doing that but we don't want to alienate the press. Yet, there are some things we don't want to tell them.

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MR. WIRTH: That is right.

If you are going to be of real service to the Secretary, there is going to have to be a confidence worked in there. I am sure that is what he would like.

IR. NICKERSON: The Press is not invited for the meeting, but at the close of each meeting, if they want to interview us, we would be able to give an interview as a group of three, together; at the same time, it would be a joint press conference. If the press is not invited, so much the better, perhaps.

IR. FOSTER: This is agreeable for the Commission.

It certainly seems like a logical place to start.

MR. DYER: "et's try it and find out what happens.

MR. FOSTER: One last question for you on the point of news release.

Should there be any release of the agenda to be discussed prior to the meeting?

MR. NICKERSON: No.

IR. FOSTER: I have one "No." Is there any comment on that score?

IR. MC NEECE: I can see no need for it.

MR. FOSTER: The question will arise, I can assure you. What will be discussed at the meeting?

MR. NICHERSON: We don't know until we get there.

MR. WIRTH: Mr. Chairman, I would say this. In the

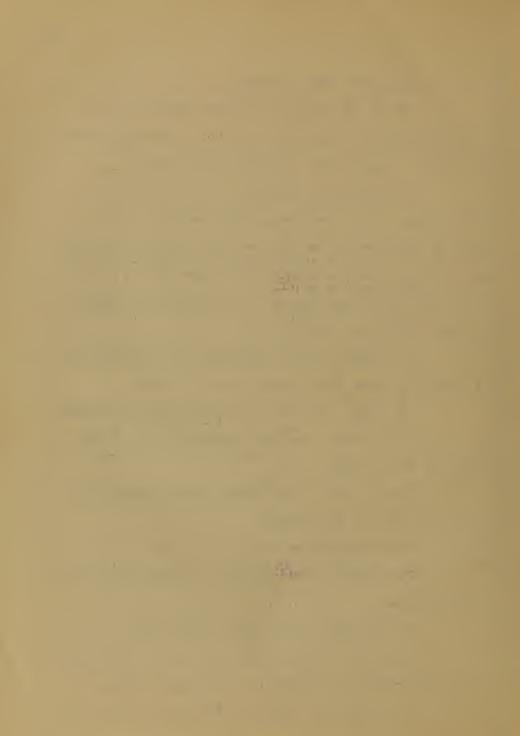
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and work up the agenda; let you know what subject is coming up; what we would like to do is get the agenda out in advance and give a paragraph on each subject. Father than just this, so that each of the rembers of the Commission has a little bit of an idea of what we are going to bring up and also, if the Commission has anything they want to bring up, they we could centralize it, so we can get it out.

MR. NICKERSON: Don't you think we ought to tell Mr. Wirth what we voted?

IR. FOSTER: Naybe I better tell him after the meeting.

All right. I think you answered my question or this,
as far as advance release of agenda items. The answer would
be no, until such time as the Cormission feels that the change
is necessary.

It is now 5:20. Are there any other comments?

Is there any other business to come before the Commission?

(Discussion off the record.)

MR. MC NEMCE: I make a notion that we adjourn until March 9 at 2:00 p.m.

IR. FOSTER: At Mastham.

Before I moognize the motion, I think we all

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know -- the Earli Service and the Department of the Interior--our expression of thanks for the many courtesies today and I for one, appreciate it. I am sure the rest of us do.

MR. NICMERSON: I would like to put that in the form of a motion, particularly inasmuch as I was so skeptical as to the efficacy of such a meeting in Washington.

MR. FOSTER: The motion is made and seconded.

I assume it is passed unanimously, that the Commission expresses its thanks to our host for today, for all of their courtesies.

MR. WIRTH: May I respond?

IR. FOSTER: You may, Mr. Wirth.

Fark Service appreciate very much your coming down here, and the responsibilities and duties that you have taken on by becoming a member of this Commission, and honestly and truly, we are looking forward to working very closely with you and we most sincerely hope that when this project is finally consummated, that we all will be proud of it, and that it would be a real benefit to our nation.

Thank you very, very much, for your courtesies in joining up. We will see you up on the Cape.

IR. FOSUER: The motion of adjournment is before the

(Secends)

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IR. FOSTER: It is not debatable.
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               All those in favor say Aye?
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              (Ayes.)
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              MR. FOSTER: Opposed?
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              (None)
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               MR. FOSTER: It is so moved.
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               (Whereupon, at 5:30 p.m., the meeting was
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    adjourned.)
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